

Appointment

From: Adm14Pruitt, Scott [adm14pruitt.scott@epa.gov]
Sent: 6/5/2017 12:49:29 PM
To: Adm14Pruitt, Scott [adm14pruitt.scott@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]
Subject: HOLD: State Regulator Stakeholder Meeting re: CPP
Start: 7/18/2017 5:00:00 PM
End: 7/18/2017 7:00:00 PM
Show Time As: Busy

Message

From: Hale, Michelle [hale.michelle@epa.gov]
Sent: 6/1/2017 1:03:23 PM
To: Hupp, Sydney [hupp.sydney@epa.gov]
CC: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: RE: Morning Energy: Trump's final Paris decision comes today at 3 p.m. — States, cities look at filling climate void — Dakota Access begins shipping today

I've submitted names per Samantha.

From: Hupp, Sydney
Sent: Thursday, June 1, 2017 8:37 AM
To: Hale, Michelle <hale.michelle@epa.gov>
Subject: Fwd: Morning Energy: Trump's final Paris decision comes today at 3 p.m. — States, cities look at filling climate void — Dakota Access begins shipping today

Sent from my iPhone

Begin forwarded message:

From: "Dravis, Samantha" <dravis.samantha@epa.gov>
Date: June 1, 2017 at 7:47:46 AM EDT
To: "Jackson, Ryan" <jackson.ryan@epa.gov>
Cc: "Hupp, Sydney" <hupp.sydney@epa.gov>, "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>, "Perrotta, Pasquale" <Perrotta.Pasquale@epa.gov>
Subject: **Re: Morning Energy: Trump's final Paris decision comes today at 3 p.m. — States, cities look at filling climate void — Dakota Access begins shipping today**

RJ, we need to figure out who we are going to take over there for the ceremony. We will have to get everyone cleared in through waves

Sent from my iPhone

On Jun 1, 2017, at 5:59 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Well so here's the deal. 3pm.

We'll need to block 2 to 4 for this I think and have him over there before the 3pm. I'll gather more info on specifics.

I guess we are getting the final rose at the boardroom scene at 3. Something like that.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6 - Personal Privacy

Begin forwarded message:

From: "POLITICO Pro Energy"
<politicoemail@politicopro.com>
Date: June 1, 2017 at 5:44:40 AM EDT
To: <jackson.ryan@epa.gov>
Subject: Morning Energy: Trump's final Paris decision comes today at 3 p.m. — States, cities look at filling climate void — Dakota Access begins shipping today
Reply-To: "POLITICO subscriptions" <reply-fe901276736d067d77-630326_HTML-786581600-1376319-0@politicoemail.com>

By Anthony Adragna | 06/01/2017 05:42 AM EDT

With help from Esther Whieldon

DECISION DAY: In a scene that could come straight from reality TV, President Donald Trump today will announce his decision on whether to abandon the 2015 landmark Paris climate agreement today at 3 p.m. in the Rose Garden, he tweeted Wednesday night. Withdrawing from the pact would honor his campaign pledge to "cancel" the deal, but go against the wishes of vast swathes of the U.S. business community, many of his own aides and the international community. Three officials tell POLITICO's Andrew Restuccia and Josh Dawsey that Trump plans to pull out of the deal, though they noted he could still change his mind at the last minute.

Trump's decision comes after months of internal clashes between Trump's warring factions of advisers spilled into the open with a rush of leaks Wednesday, Andrew and Josh report. And if Trump follows through and withdraws, as expected, opponents of the agreement will have to thank the months-long effort by White House strategist Steve Bannon and EPA Administrator Scott Pruitt to play to his populist instincts and publicly push the narrative the accord was effectively dead. One White House official said the president's team was furiously working on an announcement of the withdrawal on Wednesday.

Some aides were still clinging to hope late Wednesday that Trump may change course and stay in the deal, while drastically scaling back the Obama administration's non-binding carbon cleanup promises, in line with a plan they had previously pushed. Trump had not officially told his entire team of senior aides he was considering leaving the agreement Wednesday when news leaked out, and administration officials cautioned against definitive reporting, warning that the president is notoriously fickle.

Takeaway from one former U.S. official: "Will global leaders trust the U.S. to negotiate a climate treaty ever again? After Kyoto

and Paris, who will trust us to keep our word as a nation? Our credibility is gone."

Meanwhile, cities and states aren't waiting: Talks are just getting off the ground but several states, municipalities, and business leaders are in early discussions to create a carbon reduction agreement to replace the cuts that Trump is expected to eliminate, Pro's Eric Wolff reports. Potentially modeled after the "Nationally Determined Contributions" nations submitted to join the Paris agreement, the possible reduction pledge would help show the international community that climate action continues in the U.S. "It is really important to the international community to understand to avoid a knock-on effect of U.S. withdrawal on the actions of other countries," a source working to facilitate the conversations told Eric. Meanwhile, a group of West Coast Democratic lawmakers urged the governors of California, Washington and Oregon to keep pursuing climate policies to "send a signal" to the international community absent federal action.

California not pleased: Gov. Jerry Brown didn't mince words in calling Trump's intent to withdraw from the Paris accord "outrageous" while predicting its effects would be short-lived, POLITICO California's David Siders reports. "I think Trump, paradoxically, is giving climate denial such a bad name that he's actually building the very movement that he is [purporting] to undermine," Brown said in an interview. "You can't fight reality with a tweet."

More European reverberations: European Commission President Jean-Claude Juncker warned Trump about the consequences of following through on withdrawing from the Paris deal, POLITICO Europe's Kalina Oroschakoff reports. "I am a trans-Atlanticist, but if the American president said in the next hours or days that he wants to get out of the Paris climate deal, then it is the duty of Europe to say, 'No, that's not how it works,'" Juncker said at an event in Berlin. "Eighty-three countries run into danger of disappearing from the surface of the Earth if we don't resolutely start the fight against climate change."

Clinton weighs in too: Trump's election rival, Hillary Clinton, said it would be "really stupid" and "totally incomprehensible" to squander the economic opportunities that arise from addressing climate change if the administration withdraws from the pact. "The President is a very impulsive, reactive personality," she said at the Code Conference in California. "So if we all like the Paris Agreement, he may decide to get out of it. Not even understanding one bit about what that means."

But it's worth taking a step back to remember that regardless of the fate of Paris, Trump has been busy chipping away at Obama's climate policies. Your Pro Energy team looks at all the ways he's already taken shots at Obama's green legacy here.

Carper invokes Exxon vote: Top Senate EPW Democrat Tom Carper urged Trump to look at the fact that more than 62 percent of Exxon Mobil shareholders on Wednesday called for the company to assess how climate change and global efforts to limit temperature increases will affect its business as he mulls the fate of the Paris deal. "President Trump should take note of what happened today as he decides the fate of our country's participation in the Paris Climate Agreement," he said in a statement. "We should seize the economic opportunities that come from combating climate change, not cede our role as a global leader."

Greens gather today: Environmental groups, including 350.org, Sierra Club, Natural Resources Defense Council, Peoples Climate Movement, NextGen Climate and the Center for American Progress Action Fund, are holding a rally outside the White House today at 5 p.m. in support of the Paris accord. The Sierra Club said more than 20,000 people have already called the White House to voice their opposition to withdrawal.

WELCOME TO THURSDAY! I'm your host Anthony Adragna, and congrats to Van Ness Feldman's Jonathan Simon for being first out of the box to correctly guess there are six non-voting members of the House (D.C., Guam, Puerto Rico, U.S. Virgin Islands, Northern Mariana Islands and American Samoa). For today: Who was D.C.'s first modern delegate in Congress? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter [@AnthonyAdragna](https://twitter.com/AnthonyAdragna), [@Morning_Energy](https://twitter.com/Morning_Energy), and [@POLITICOPro](https://twitter.com/POLITICOPro).

CATANZARO GIVEN ETHICS WAIVER: The White House has granted an ethics waiver for energy aide Mike Catanzaro, a former partner at CGCN Group LLC, to participate in matters related to EPA's Clean Power Plan, waters of the U.S. rule and methane regulations. His past clients include Devon Energy, an Oklahoma oil and gas company close to Pruitt, and he has lobbied on behalf of the American Fuel and Petrochemical Manufacturers and the American Chemistry Council, among others. Catanzaro's is one of more than a dozen waivers quietly released Wednesday night after a dust up between the Office of Government Ethics and White House, which initially refused to disclose them.

DAKOTA ACCESS BEGINS SHIPPING TODAY: The hotly-contested Dakota Access pipeline is expected to begin shipping North Dakota oil today to a distribution point in Illinois, the Associated Press reports. That comes even as the North Dakota Public Service Commission plans to look later this summer at whether the pipeline's developer, Energy Transfer Partners, violated state rules during its construction.

GROUP SEEKS REVIEW OF HARLEY SETTLEMENT: The free-market Cause of Action Institute is taking aim at a settlement the Obama administration reached with Harley-Davidson over

after-market "super tuner" devices the company sold to boost motorcycles' performance that allegedly led to Clean Air Act Violations. The August 2016 settlement with EPA required the motorcycle manufacturer to fund a program to replace or retrofit wood-burning stoves with cleaner appliances. But Cause of Action says that approach violates the agency's own guidance, and the group says Pruitt ought to take another look at the settlement. "EPA is overstepping its authority by requiring Harley-Davidson to implement an emissions mitigation project that lacks such a sufficient nexus to the underlying violation," the group wrote today in a letter to Pruitt, along with a FOIA request for documents related to the settlement negotiations.

ORDER AIMS AT BOOSTING ALASKAN ENERGY

PRODUCTION: Interior Secretary Ryan Zinke signed an order Wednesday calling for a review of opportunities to increase oil drilling in Alaska. He directed Interior to examine whether oil production can increase in the National Petroleum Reserve in Alaska and assess how much oil and gas could be extracted from a piece of the Arctic National Wildlife Refuge, Pro's Ben Lefebvre reports. Officials have 31 days to develop a plan to implement his order. Zinke signed the order following a speech at an Alaska Oil and Gas Association conference in Anchorage. "Rules should be based on science and best practice not on arbitrariness," he said.

Alaska's congressional delegation hailed the move. "This Secretarial Order is exactly the type of announcement that so many Alaskans have been asking for: a smart, timely step to restore access to our lands, throughput to our Trans-Alaska Pipeline, and growth to our economy under reasonable regulations that do not sacrifice environmental protections," Senate Energy Chairman Lisa Murkowski said in a statement.

As for Paris, Zinke sidestepped a question on the climate change agreement that's on everyone's mind this week. Zinke told reporters in Alaska that he has "yet to read what the actual Paris agreement is," and declined to weigh in without having a chance to "sit down and read" it, the Associated Press reports.

RUSSIA LATEST COMPLICATION IN FILLING

VACANCIES: Some potential federal appointees are having second thoughts about executive branch appointments given the ongoing investigations into the Trump campaign's ties with Russia, POLITICO's Andrew Restuccia and Josh Dawsey report. "You're going to have a situation where they're going to have trouble getting A-list or even B-list people to sign up," one lawyer advising potential appointees said. The administration has announced nominees for just 117 of the 559 most-important Senate-confirmed positions.

CASSIDY DOWNPLAYS PROPOSED EPA CUTS: Louisiana Sen. Bill Cassidy told attendees of a Covington, La. town hall

meeting Tuesday that "EPA is not being dismantled" despite Trump's proposed cut of one-third of the agency's budget and efforts to roll back landmark Obama-era regulations addressing climate change and water quality, among other issues. "Certainly there are regulations being rolled back," Cassidy said. "But the Clean Water Act is still in place. There will not be mercury spewing out. All those regulations are still in place." (h/t Pro Health Care's Jennifer Haberkorn)

PERRY'S MOVE TOWARD JAPAN: Energy Secretary Rick Perry kicks off a week-long trip to Asia today. He'll stop in Japan and China. Stops include a trip to the Fukushima Daiichi nuclear site where Perry will look at efforts to recover from the 2011 earthquake and participation in the 8th Annual Clean Energy and Mission Innovation Ministerials in Beijing where energy ministers from around the world discuss clean energy efforts.

EPA BOOSTS EAST CHICAGO EFFORTS: Fresh off a visit to the East Chicago, Ind., Superfund site, Pruitt ordered a dedicated community coordinator deployed to the area of the contaminated site and vowed the agency would hold monthly community meetings to provide updates on cleanup progress. "We will take a more hands-on approach to ensure proper oversight and attention to the Superfund program at the highest levels of the agency," he said in a statement. More information is available [here](#).

ZINKE TO FOCUS ON FOREST FIRES FRIDAY: Zinke and Agriculture Secretary Sonny Perdue will spend Friday in Boise, Idaho — the home of the National Interagency Fire Center — where the two will likely talk about forest fires and prevention techniques. The secretaries will also [speak](#) at Boise State University in the morning.

WATCHDOG QUESTIONS IF TILLERSON VIOLATED ETHICS PLEDGE: A nonprofit watchdog group launched to track the Trump administration's activities is questioning whether Secretary of State Rex Tillerson violated his ethics pledge. The group, American Oversight, is raising questions over reports Tillerson appeared at a signing ceremony between his former employer, Exxon Mobil, and the Saudi Basic Industries Corporation concerning a proposed petrochemical complex slated for Texas. American Oversight filed FOIA requests seeking [any guidance or waivers](#) issued to Tillerson regarding the signing ceremony, as well as [photos of the event](#) and [his calendar](#). Tillerson pledged during his confirmation process not to participate in any matters related to Exxon for one year.

MAIL CALL! STRENGTHEN ENVIRONMENTAL JUSTICE PROGRAM: Democratic Reps. [Donald McEachin](#), [Nanette Diaz Barragán](#) and [Pramila Jayapal](#) released a letter to Pruitt urging him to build upon and strengthen EPA's environmental justice program. "We must act on climate change,

recognizing that frontline communities have continually been most impacted by the effects of climate change," the letter, signed by 43 other congressmen, said. Their calls are likely to fall on deaf ears, though, given Trump's budget zeroed out the program.

MOVE THOSE FERC NOMS ALONG: The U.S. Chamber of Commerce sent a letter to the top Republican and Democrat on the Senate Energy Committee Wednesday, urging them to swiftly advance the nominations Robert Powelson and Neil Chatterjee for open slots on the quorumless FERC. "Mr. Powelson and Mr. Chatterjee have demonstrated a solid grasp on the subject matter within FERC's overview and have a demonstrated record of advocating policy over partisanship," Neil Bradley, chief policy officer for the Chamber, wrote.

PERRIELLO NABS McKIBBEN ENDORSEMENT: Two weeks ahead of the Virginia gubernatorial primary election, Tom Perriello picked up the endorsement of prominent environmentalist Bill McKibben on Wednesday. "Tom Perriello, for the first time in Virginia's political history, has stood up to Dominion Energy," McKibben said. "That's a smart move — what the politically connected utility wants to do is lock the Commonwealth into a future of pipelines and power plants, even as the energy landscape is changing fast in the direction of renewables."

NEEDS IMPROVEMENT: EPA needs to do better at tracking spending on contracts and grants to small businesses to develop and commercialize innovative technologies, GAO said in a report released Wednesday.

EDF PLANS CHALLENGE TO PRUITT METHANE ACTION: Joining the Natural Resources Defense Council, the Environmental Defense Fund announced Wednesday it would challenge Pruitt's decision to stay additional components of the agency's 2016 rule setting methane emissions limits for new oil and gas industry sources. "Colorado, Wyoming and Ohio, already have similar protections in place, which demonstrate the reasonableness of these clean air measures," Peter Zalzal, lead attorney for the group, said in a statement.

The American Petroleum Institute praised Pruitt's decision in its own statement. "As demonstrated through previous regulatory efforts, EPA's focus should be on cost-effective regulations that target emissions of volatile organic compounds, providing the co-benefit of methane emission reductions," the group said in statement.

QUICK HITS

— God 'can take care of' climate change if it's a real problem, congressman says. MLive.

- Lawsuit alleges EPA failed to protect Shenandoah River. [AP](#).
- Trump is deciding on the Paris climate agreement with virtually no science advisers on staff. [Vox](#).
- California, Canada are teaming up to fight climate change — again. [USA Today](#).
- Controversial EPA chief skips Lexington speech, but groups still protest. [Lexington Herald Leader](#).
- EPA sues over tailings near Park City. [Salt Lake Tribune](#).
- Gas May Be Killing the Nuclear Option. [Bloomberg](#).

HAPPENING TODAY

11:30 a.m. — API to release new report on safety, environmental stewardship, and benefits to local communities, RSVP: SammonB@api.org

12:30 p.m. — "[The Political Economy of Forests: REDD+, Good Governance and Land Rights](#)," World Resources Institute, 10 G Street NE, Suite 800

THAT'S ALL FOR ME!

To view online:

<https://www.politicopro.com/tipsheets/morning-energy/2017/06/how-pruitt-bannon-outsmarted-ivanka-on-paris-023090>

Stories from POLITICO Pro

How Bannon and Pruitt boxed in Trump on climate pact [Back](#)

By Andrew Restuccia and Josh Dawsey | 05/31/2017 08:00 PM EDT

Donald Trump's chief strategist and EPA administrator maneuvered for months to get the president to exit the Paris climate accord, shrewdly playing to his populist instincts and publicly pressing the narrative that the nearly 200-nation deal was effectively dead — boxing in the president on one of his highest-profile decisions to date.

Steve Bannon and Scott Pruitt have sought to outsmart the administration's pro-Paris group of advisers, including Trump's daughter Ivanka, who were hoping the president could be swayed by a global swell of support for the deal from major corporations, U.S. allies, Al Gore and even the pope. But some of that pro-Paris

sentiment wound up being surprisingly tepid, according to White House aides who had expected that European leaders would make a stronger case during Trump's trip abroad earlier this month.

Those who want Trump to remain also faced an insurmountable hurdle: The president has long believed, rightly or wrongly, that the U.S. is getting a raw deal under the accord, and it proved nearly impossible to change his mind.

The internal reality show will culminate Thursday when Trump finally announces his decision, after a rush of leaks Wednesday from administration officials saying he was on the verge of pulling the plug on U.S. participation in history's most comprehensive global climate agreement.

"I will be announcing my decision on Paris Accord, Thursday at 3:00 P.M.," Trump tweeted Wednesday night, without revealing the outcome. "The White House Rose Garden. MAKE AMERICA GREAT AGAIN!"

Some White House aides held out the prospect that the president still might take the middle course that Ivanka Trump and others had advocated — staying in the deal while drastically scaling back the Obama administration's non-binding carbon cleanup promises. But three White House officials said Wednesday that they expect Trump to make a clean break by withdrawing from the agreement, though they noted it's possible the president changes his mind at the last minute.

In recent months, Pruitt and Bannon made sure Trump heard from a parade of conservative leaders and Republican lawmakers who raised concerns that the deal would hobble his pro-fossil-fuel energy agenda.

"We made very much the economic message argument," said Club for Growth President David McIntosh, whose group wrote letters to the White House and spoke to senior staff. "It was bad for the U.S. economy. It would stifle economic growth and the United States should withdraw."

As the news of the impending decision spread Wednesday, White House chief of staff Reince Priebus began calling and fielding calls from lawmakers, indicating that the U.S. was unlikely to stay in the agreement, one person familiar with the conversations said.

If he withdraws, Paris' foes will have Pruitt and Bannon to thank.

One Republican close to the White House called it the "classic split" and said conservative activists had flooded the White House in recent weeks, after seeing increasing chatter that Trump may stay in. This person said Bannon and Pruitt worked quietly to make

sure Trump was hearing their side and touched base occasionally on political strategy to woo him.

"You had the New Yorkers against it, and all the campaign loyalists for it," this person said, referring to the push to withdraw. "When the New Yorkers get involved, it gets complicated for Trump and everyone else around him."

Pruitt and Bannon have told others repeatedly for months that Trump will pull out of the agreement, as they aggressively pushed a narrative that they hoped would prove to be true, even as White House aides continued to debate the issue.

"Some of the debate was for show to help the moderates feel like they had their say," said one person who has spoken to Pruitt. "Pruitt has believed all along that this was never in doubt."

Pruitt, who frequently attacked the EPA's regulations in court when he was Oklahoma's attorney general, used his new post as EPA administrator to orchestrate an aggressive campaign to marshal conservative opposition to the Paris agreement.

He bashed the deal during a closed-door April meeting of the National Mining Association's executive committee, telling the group that the agreement would hurt the economy. Pruitt's staff also urged lawmakers and conservative groups to publicly criticize the agreement, sources familiar with the issue told POLITICO, which had the effect of increasing public pressure on Trump.

Bannon similarly argued in meetings with Trump and his team that the president would be breaking his campaign promise to "cancel" the agreement if he decided to remain. And he argued that the accord is a bad deal for the United States because other countries aren't doing enough to curb their emissions.

Pruitt and Bannon's anti-Paris campaign was meant to counter a separate offensive by members of the administration who supported staying in the pact, including Ivanka Trump and her husband, Jared Kushner.

In recent months, Ivanka Trump set up a process in which the president would regularly hear from people who supported remaining in the agreement, according to administration officials.

The remain camp believed, perhaps naively, that Trump could be influenced by the support the Paris deal has received from major corporations, including Exxon Mobil, which Secretary of State Rex Tillerson led for more than a decade.

"Ivanka is doing what she can to get him to stay," one official said. "But that doesn't mean he's going to do it."

White House aides outlined a plan to remain in the agreement while weakening former President Barack Obama's pledge to cut domestic greenhouse gas emissions. They made the case that Trump could use the good will generated from remaining to negotiate better economic incentives for fossil fuels, and they even won the buy-in of several coal companies that detested Obama's climate policies.

They hoped European leaders could persuade Trump he would risk damaging diplomatic relations if he withdrew. Ivanka Trump also brought Gore to Trump Tower to try to sway her father's mind during the presidential transition, and Pope Francis handed the president a copy of his papal encyclical on climate change when the two men met at the Vatican last week.

Trump took calls from a parade of business leaders and foreign leaders in recent weeks, most pressing him to remain, according to a senior administration official — and the calls continued on Wednesday.

"He had tremendous pressure from international leaders, from members of his own Cabinet and advisers in the international sphere not to pull out of the accord because of the perceived loss of face," said McIntosh, the Club for Growth president.

But while the leaders of G-7 nations all pressed Trump to remain in the agreement during last week's summit in Italy, Paris supporters in the White House have privately grouched that they didn't make an aggressive enough case.

European officials countered they tried not to push Trump too much during the meetings, believing that a hard-sell could backfire. And they were buoyed by early signals from White House officials ahead of the summit that Trump was open to remaining.

Indeed, European officials received a series of mixed messages from Trump's team during the summit. National Economic Council Director Gary Cohn, a Paris supporter and the only U.S. official permitted to attend meetings with G-7 leaders, told reporters that Trump was "evolving" on climate change, which many interpreted to mean that he would remain.

White House officials chalked up Cohn's comments to Trump's habit of echoing the perspective of the last person he talked to. By that time, Bannon and other opponents of the agreement had returned the United States. But Trump's decision to delay a final verdict on the agreement gave Pruitt and Bannon a final opportunity to make their case. Pruitt met with Trump to discuss Paris on Tuesday.

Most European officials were unwilling to comment about the prospect that Trump will withdraw, as they have not yet received official word from the White House and they are still holding out hope that the president will change his mind.

The officials have already begun looking to other countries for support on climate change, with the European Union set to promise deeper cooperation with China. Some officials have even adopted a new informal nickname for the major remaining countries that support action on climate change: the G-6.

Some Trump administration officials were reeling on Wednesday after the news first broke that Trump was prepared to withdraw.

Trump had not officially told his entire team of senior aides he was considering leaving the agreement Wednesday when news leaked out. "Everyone assumed that's what was going to happen, but we weren't called all in and told, 'Oh, we're putting this story out today,'" one person said.

Having learned a lesson after Trump changed his mind about pulling out of NAFTA, administration officials cautioned against definitive reporting, warning that the president is notoriously fickle. As administration officials began tamping down reports that Trump's decision was final, White House aides were swamped with calls, emails and texts from lobbyists and diplomats seeking clarification.

Officials close to Trump sometimes leak information before it is final — hoping to back him into a corner, or believing that comments during a private meeting represent his ultimate view. White House officials put out word in April that he was pulling out of NAFTA, even though Trump had not made up his mind, and news leaked during the campaign that he would pick Mike Pence as his running mate even as he weighed other candidates.

"Sometimes people close to Trump put things into the media environment to see how he'll react to it," one adviser said. "If your idea gets good coverage, it's likely to help him decide to go with what you're saying."

One of the biggest lingering questions: If he withdraws, how will Trump do it?

He could abide by the formal procedures in the underlying text of the agreement, which mandate that a formal withdrawal will not go into effect until at least Nov. 4, 2020. Or he could pull out of the United Nations Framework Convention on Climate Change, the underlying 1992 treaty that governs the negotiations, which would allow for a speedier pullout — a far more radical step that would see the U.S. abstain from the entire climate negotiating process.

He could also declare that the agreement is a treaty, which would require a two-thirds-majority ratification vote in the Senate that would certainly fail.

Whatever he does, supporters of the climate agreement expect a harsh reaction from the United States' friends if the country pulls out.

"I think the diplomatic backlash will be worse than it was when the U.S. rejected Kyoto," said Susan Biniaz, the State Department's longtime former climate change lawyer, referring to the George W. Bush administration's decision to spurn the 1997 Kyoto climate agreement.

One former U.S. official agreed: "Will global leaders trust the U.S. to negotiate a climate treaty ever again? After Kyoto and Paris, who will trust us to keep our word as a nation? Our credibility is gone."

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White House aides outlined a plan to remain in the agreement while weakening former President Barack Obama's pledge to cut domestic greenhouse gas emissions. They made the case that Trump could use the good will generated from remaining to negotiate better economic incentives for fossil fuels, and they even won the buy-in of several coal companies that detested Obama's climate policies.

They hoped European leaders could persuade Trump he would risk damaging diplomatic relations if he withdrew. Ivanka Trump also

brought Gore to Trump Tower to try to sway her father's mind during the presidential transition, and Pope Francis handed the president a copy of his papal encyclical on climate change when the two men met at the Vatican last week.

Trump took calls from a parade of business leaders and foreign leaders in recent weeks, most pressing him to remain, according to a senior administration official — and the calls continued on Wednesday.

"He had tremendous pressure from international leaders, from members of his own Cabinet and advisers in the international sphere not to pull out of the accord because of the perceived loss of face," said McIntosh, the Club for Growth president.

But while the leaders of G-7 nations all pressed Trump to remain in the agreement during last week's summit in Italy, Paris supporters in the White House have privately grouched that they didn't make an aggressive enough case.

European officials countered they tried not to push Trump too much during the meetings, believing that a hard-sell could backfire. And they were buoyed by early signals from White House officials ahead of the summit that Trump was open to remaining.

Indeed, European officials received a series of mixed messages from Trump's team during the summit. National Economic Council Director Gary Cohn, a Paris supporter and the only U.S. official permitted to attend meetings with G-7 leaders, told reporters that Trump was "evolving" on climate change, which many interpreted to mean that he would remain.

White House officials chalked up Cohn's comments to Trump's habit of echoing the perspective of the last person he talked to. By that time, Bannon and other opponents of the agreement had returned the United States. But Trump's decision to delay a final verdict on the agreement gave Pruitt and Bannon a final opportunity to make their case. Pruitt met with Trump to discuss Paris on Tuesday.

Most European officials were unwilling to comment about the prospect that Trump will withdraw, as they have not yet received official word from the White House and they are still holding out hope that the president will change his mind.

The officials have already begun looking to other countries for support on climate change, with the European Union set to promise deeper cooperation with China. Some officials have even adopted a new informal nickname for the major remaining countries that support action on climate change: the G-6.

Some Trump administration officials were reeling on Wednesday after the news first broke that Trump was prepared to withdraw.

Trump had not officially told his entire team of senior aides he was considering leaving the agreement Wednesday when news leaked out. "Everyone assumed that's what was going to happen, but we weren't called all in and told, 'Oh, we're putting this story out today,'" one person said.

Having learned a lesson after Trump changed his mind about pulling out of NAFTA, administration officials cautioned against definitive reporting, warning that the president is notoriously fickle. As administration officials began tamping down reports that Trump's decision was final, White House aides were swamped with calls, emails and texts from lobbyists and diplomats seeking clarification.

Officials close to Trump sometimes leak information before it is final — hoping to back him into a corner, or believing that comments during a private meeting represent his ultimate view. White House officials put out word in April that he was pulling out of NAFTA, even though Trump had not made up his mind, and news leaked during the campaign that he would pick Mike Pence as his running mate even as he weighed other candidates.

"Sometimes people close to Trump put things into the media environment to see how he'll react to it," one adviser said. "If your idea gets good coverage, it's likely to help him decide to go with what you're saying."

One of the biggest lingering questions: If he withdraws, how will Trump do it?

He could abide by the formal procedures in the underlying text of the agreement, which mandate that a formal withdrawal will not go into effect until at least Nov. 4, 2020. Or he could pull out of the United Nations Framework Convention on Climate Change, the underlying 1992 treaty that governs the negotiations, which would allow for a speedier pullout — a far more radical step that would see the U.S. abstain from the entire climate negotiating process.

He could also declare that the agreement is a treaty, which would require a two-thirds-majority ratification vote in the Senate that would certainly fail.

Whatever he does, supporters of the climate agreement expect a harsh reaction from the United States' friends if the country pulls out.

"I think the diplomatic backlash will be worse than it was when the U.S. rejected Kyoto," said Susan Biniaz, the State Department's longtime former climate change lawyer, referring to the George W.

Bush administration's decision to spurn the 1997 Kyoto climate agreement.

One former U.S. official agreed: "Will global leaders trust the U.S. to negotiate a climate treaty ever again? After Kyoto and Paris, who will trust us to keep our word as a nation? Our credibility is gone."

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Trump aides weighing staying in Paris deal, but rejecting Obama pledge [Back](#)

By Andrew Restuccia | 03/09/2017 03:08 PM EDT

Trump administration officials are considering a plan to remain part of the nearly 200-nation Paris climate change agreement, while weakening former President Barack Obama's pledge to reduce U.S. greenhouse gas emissions, multiple sources told POLITICO.

The plan has not yet won the buy-in of key Trump aides and the president has not signed off. Sources familiar with the plan cautioned that it remains in flux, and could be scuttled by Trump advisers who are critical of the agreement.

But keeping the U.S. in the 2015 Paris pact would be a victory for some in the Trump administration, including the president's daughter Ivanka and his son-in-law Jared Kushner, who have sought to boost the president's green credentials and fear that pulling out would damage relations with key U.S. allies. Many conservatives have been pushing President Donald Trump to withdraw from the deal altogether, as the president himself pledged to do during the campaign.

One way to square those conflicting imperatives would be to reject the pledge Obama offered as part of the 2015 Paris pact — a nonbinding target for reducing the United States' emissions of planet-warming greenhouse gas emissions. That's increasingly seen within the White House as a possible way forward.

Obama had pledged that by 2025 the U.S. would reduce its greenhouse gas emissions by 26 percent to 28 percent below where it was in 2005.

Weakening Obama's pledge would probably frustrate many American allies, who see the United States' commitment to tackling climate change as a bedrock of the Paris agreement. It

would also reflect the likelihood that Trump's push to revoke key Obama environmental regulations would make it more difficult to meet the existing target.

George David Banks, a White House senior adviser on international energy and environmental issues, has briefed people outside the administration on the plan in recent days, according to people who have spoken with him.

Banks discussed the plan during a Thursday meeting with about a dozen fossil fuel industry officials, according to people familiar with the closed-door discussion.

Banks did not respond to a request for comment. A White House spokeswoman said, "We have no announcements to make at this time."

It's unclear when the Trump administration will announce a final decision on its approach to Paris. Sources cautioned a verdict may not be made public for weeks or even months, and could hinge on broader energy-related discussions with other countries.

Ivanka Trump and Kushner, a senior adviser to the president, have been strong advocates of staying in the agreement, sources said. And other advisers raised fears that withdrawing altogether would greatly damage U.S. diplomatic relations with other countries.

Trump's appointees are separately taking steps to revoke regulations requiring cuts in greenhouse gas pollution from the nation's power plants, among other rollbacks of Obama-era environmental rules.

Those regulations were the bulwark of Obama's promise that the United States, the world's second-largest carbon polluter, would do its share to address the problem — even though scientists have said steeper cuts are needed to avoid catastrophic harm from climate change.

Trump's advisers have sometimes been at odds over how to approach Paris — and Trump's chief strategist, Steve Bannon, is said to be advocating for withdrawing from the agreement. Bannon's influence with Trump could undercut the proposal to stay in the deal.

Some Trump supporters have even hoped he would pull out from the entire decades-old "framework" of United Nations climate negotiations. Such a step would have been even more extreme than former President George W. Bush's abandonment of the 1997 Kyoto climate accord, which made the U.S. an untrusted figure in international climate circles for years afterward.

To clinch the Paris agreement, the Obama administration had to pull off some tricky diplomatic gymnastics, bringing together rich and poor countries that had disagreed for decades about how to divide the burden of curbing the world's carbon output. The pact, reached in December 2015 after two weeks of negotiations in a Paris suburb, followed months of U.S. pressure on China and India to make their own commitments, despite arguments from the developing world that already-wealthy nations should be doing the lion's share.

Ultimately, the talks were successful because negotiators allowed countries to write their own domestic pledges to tackle climate change, rather than imposing across-the-board mandates to slash emissions.

Those pledges are largely nonbinding, which enabled Obama to avoid a politically disastrous ratification fight in the Senate. But that also makes it easier for Trump to change Obama's pledge.

Even if Obama's target remained in place, scientists and climate activists have warned that the deal won't cut carbon pollution enough to prevent the worst effects of climate change, including rising seas and worsening droughts and storms. Instead, they said, countries would need to steadily escalate their targets.

The agreement calls on countries to aim to limit global warming to "well below" 3.6 degrees Fahrenheit from pre-industrial levels, and it said countries should "pursue efforts" to keep temperature increases to 2.7 degrees Fahrenheit. Under a business-as-usual scenario, global temperatures could rise by 4.7 to 8.6 degrees Fahrenheit by the end of the century, according to scientists, an increase that would have catastrophic consequences for the planet.

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States, cities to boost climate action as Trump's Paris withdrawal looms [Back](#)

By Eric Wolff | 05/31/2017 07:49 PM EDT

Amid news that President Donald Trump is preparing to withdraw the U.S. from the Paris climate agreement, several cities, states and private businesses are hoping to accelerate their efforts to fight climate change and fill any gap left by Washington.

Mayors of New York, Los Angeles and other cities are promising to maintain their own commitments to reduce their cities' carbon dioxide emissions, and New York Gov. Andrew Cuomo responded

to Wednesday's leaks from the White House with a new proclamation that he would advance "bold" renewable energy goals.

While governments below the national level cannot officially sign onto the Paris agreement, Trump's expected move to pull out of the 2015 accord signed by 195 countries is prompting them to look for other paths they can follow to contribute to the international effort. Sources tell POLITICO that several states, municipalities, and business leaders are in early discussions to create a carbon reduction agreement that could be called a "Societally Determined Contribution," a name that aims to mimic the "Nationally Determined Contribution" that each of the Paris accord's members submitted.

Liberal states like New York and California have already launched efforts to fight greenhouse gas emissions, and climate change is becoming an issue in Virginia's gubernatorial race. And while questions remain whether states, cities and businesses have the political will and the capacity to make a significant contribution to reducing the pollution blamed for global warming, for climate activists, they offer the best chance to reduce emissions.

"Local governments, corporations, individuals, they're the ones who have made a difference in America, and not the Obama administration," said former New York Mayor Michael Bloomberg, now the U.N. Special Envoy for Cities and Climate change. "I think the danger and the damage that the Trump administration decision to pull out would [have] is more psychological -- it isolates us from the rest of the world, it sends exactly the wrong message."

Former President Barack Obama had pledged under the U.S.' Nationally Determined Contribution to reduce carbon dioxide emissions between 26 percent to 28 percent of 2005 levels by 2025. That promise, though not legally binding, was built on Obama's policies like the Clean Power Plan, which would have shrunk emissions at power plants but is now being unwound by Trump's administration.

Trump tweeted that he'd announce a decision in the "next few days," prompting calls from business heavyweights like Apple's Tim Cook and Tesla's Elon Musk to remain in the global deal, but the local and state leaders are working to develop their plan B to step in for the U.S. on the international climate scene, sources tell POLITICO.

Discussions are still very preliminary, but the participants are trying to come up with a combined carbon reduction from states, cities and businesses to replace the cuts that Trump is expected to eliminate. The structure and operation of the group behind the "SDC" is still unknown, as is the final target, whether it would set

a single reduction target for the group or if there will be other clean energy or carbon reduction goals. Developing an agreement would require analysis to determine whether policies like California's carbon price and commitments like Facebook's promise to rely solely on renewable power could be merged, but proponents are hopeful they can find some way to set a target.

"It strikes folks as an obvious thing, a great way to show the international community that there's a lot going on in the U.S." said a source working to facilitate the conversations. "It is really important to the international community to understand to avoid a knock-on effect of U.S. withdrawal on the actions of other countries."

Even without a binding document, states are moving into the space created by the absence of federal action. A group of 18 lawmakers led by Democratic Reps. Earl Blumenauer (Ore.), Jared Huffman (Calif.), and Suzan DelBene (Wash.) sent a letter to Govs. Kate Brown (Ore.), Jerry Brown (Calif.) , and Jay Inslee (Wash.), calling for them to act.

"Given the vacuum in climate leadership that has resulted from the election of Donald Trump, our states must continue to form a 'green wall' in the West that will maintain climate leadership in the United States. The Paris Agreement calls for significant reductions in greenhouse gas emissions, and if Donald Trump's administration won't lead, our states must," the lawmakers wrote.

Virginia Gov. Terry McAuliffe enacted a series of policies that will make the commonwealth "trading ready" for a carbon cap-and-trade program, a move seen as a precursor to Virginia's joining the nine-state Regional Greenhouse Gas Initiative. McAuliffe's successor will have to decide whether to take that next step, thrusting the issue into this year's gubernatorial race, where Republican candidates have been critical of his efforts.

To be sure, there may be limits to what the green-minded cities and states can do. California plus the nine states in RGGI comprised less than 14 percent of U.S. emissions in 2014, according to the Energy Information Administration, and they have been working toward decarbonization for years. Meanwhile, Texas, a state with an intensive energy industry and little appetite for carbon action, contributes nearly 12 percent of U.S. emissions on its own.

Pennsylvania and Illinois are the third and fourth biggest emitters among U.S. states, and both states have active coal-mining industries that would likely oppose aggressive state action. Pennsylvania Gov. Tom Wolf, who signed a letter calling on Trump to stay in the Paris agreement earlier this month, made joining RGGI a campaign promise, but has rarely mentioned it since taking office.

Critics of climate change policies say any state efforts are likely to have no effect, except to raise energy prices.

"Climate regulations at the state and local levels will still be all cost and no climate benefit but I would say that if states want to pursue climate policies that's their prerogative," said Nick Loris, an economist at the conservative Heritage Foundation. "There's also a matter of politics. Even a pretty liberal state like Washington couldn't get through an aggressive carbon tax policy because environmental groups didn't like that the money wasn't being spent on green technologies."

But for environmental leaders, like California's Brown, Trump's expected rejection of the Paris pact has only helped make the case for climate action clearer.

"This current departure from reality in Washington will be very short-lived, that I promise you," Brown told POLITICO in an [interview](#). "I've spoken with Republicans here in the legislature, and they're beginning to get very serious about climate action, so the momentum is all the other way. And I think Trump, paradoxically, is giving climate denial such a bad name that he's actually building the very movement that he is [purporting] to undermine."

Helena Bottemiller Evich and David Siders contributed to this report

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Brown: 'The rest of the world is against' Trump [Back](#)

By David Siders | 05/31/2017 04:10 PM EDT

LOS ANGELES — California Gov. Jerry Brown, one of the nation's foremost proponents of efforts to address climate change, on Wednesday called President Donald Trump's planned withdrawal from the Paris climate accord "outrageous," while predicting the effect of the move will be short-lived.

"This current departure from reality in Washington will be very short-lived, that I promise you," Brown told POLITICO in an interview. "I've spoken with Republicans here in the Legislature, and they're beginning to get very serious about climate action, so the momentum is all the other way. And I think Trump, paradoxically, is giving climate denial such a bad name that he's actually building the very movement that he is [purporting] to undermine."

Brown added, "You can't fight reality with a tweet."

News of the president's decision drew ire from Democrats and environmental groups across the country, nowhere more so than in California, where the state Senate hours later passed major climate legislation requiring utilities to obtain 100 percent of their electricity from renewable sources by 2045.

After the vote, state Senate President Pro Tem Kevin de León told reporters that Trump's decision is "distressing" but that California "will forge ahead."

Brown has been harshly critical of Trump on climate policy, but he said last week that he believed the Republican president to be a political "realist" and that progress on the issue might be "not as disastrous as we thought a few months ago."

On Wednesday, Brown said, "I don't think the Trump deviation will stand."

"Yes, he's making this announcement," the governor said. "But the rest of the world is against him. California is against him. New York is against him. We are for sensible, scientifically based climate action. And this is unfortunate, even tragic, but we will overcome it. And through Trump's outrageous action, the contrary movement is galvanized, and we're mobilizing people, states, provinces and working with other countries to move in a direction that is sustainable and is compatible with what we know we must do to survive."

Brown is preparing to travel this week to China, where he will participate in an international climate summit, meet with Chinese officials and rally support for local efforts to counteract the effects of climate change. The fourth-term Democratic governor, a longtime champion of environmental causes, has helped sign more than 170 mostly subnational governments to a nonbinding pact to limit greenhouse gas emissions.

Asked what he would tell Chinese officials about Trump, Brown said, "I don't think I'll have much to say about the president. I'll have a lot to say about California, and I'll have a lot to say about the 170-plus states and provinces that have joined with California in the 'Under 2' initiative."

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All the ways Trump is shredding Obama's climate agenda

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President Donald Trump's expected decision to withdraw the United States from the Paris climate agreement is a huge morale blow to the worldwide effort to head off the worst effects of global warming. But it's just the latest step in his determined campaign to erase Barack Obama's green agenda.

Pulling out of the Paris deal means that the United States — the world's second-largest producer of greenhouse gases — would no longer take part in the most comprehensive international pact ever crafted on climate change, joining Syria and Nicaragua as the only holdouts among nearly 200 nations.

But Trump's domestic environmental efforts will have the most immediate real-world impact on the planet's fate, by halting Obama's attempts to achieve steep cuts in U.S. carbon emissions and shift the country away from fossil fuels. The impact of those regulation rollbacks and other steps could be equivalent to adding almost 2 percent to the world's carbon output by 2025 compared with Obama's targets, based on recent analyses — at a time when climate researchers say the world urgently needs to accelerate its reductions.

This is POLITICO's rundown of the steps Trump has already set in motion:

Lifting limits on coal

— Trump ordered the Environmental Protection Agency to take the **first steps toward repealing** Obama's Clean Power Plan, a suite of curbs on greenhouse gas pollution from thousands of existing power plants. Those restrictions, and a separate regulation on future plants, would have encouraged power companies to shift away from coal.

— The administration lifted **Obama's freeze** on new coal leases on federal land, and **halted the Interior Department's formal environmental review** of coal leasing charges.

— Interior announced it will **repeal an Obama-era rule** that threatened to increase companies' royalty payments for coal, oil and natural gas they extract on federal lands.

— Energy Secretary Rick Perry ordered a 60-day review of tax and regulatory policies that "are responsible for forcing the premature retirement of baseload power plants," language suggesting the report will **criticize federal support for wind and solar power**.

Drill, baby drill

— Trump ordered Interior to **end restrictions on oil drilling in Arctic waters**, and told it to consider opening up the Atlantic coast for drilling.

— He ordered Interior to **rewrite a 2015 rule that called for tighter environmental standards** for fracked oil and gas wells on public lands. He also ordered reviews of a rule on offshore oil well safety, as well as one relating to air quality evaluations for offshore oil and gas drillers.

— He signed a congressional repeal of an Interior Department land-use planning update **after fossil fuel companies complained** it would hurt their access to federal lands.

— EPA withdrew a request for information from oil and gas companies about methane emissions from their operations. The Obama administration's request had been seen as an early step toward regulating those sources.

— Trump ordered the Commerce Department to **review all marine sanctuaries** established or expanded in the past 10 years **for possible oil and natural gas drilling** opportunities.

— He **reversed Obama's denial of a permit for the Keystone XL pipeline** and ordered the Army Corps of Engineers to allow final construction on the Dakota Access pipeline. Neither project would have much impact on the climate by itself, but the moves sent a strong signal of the administration's intention to increase fossil fuel production.

Rolling back regulations

— Trump ordered EPA to reopen its review of Obama's tightened automobile emissions standards for model years 2022-2025. The review is the first step toward **relaxing the standards**.

— The administration froze the rollout of several Energy Department **energy efficiency rules**.

— EPA is reviewing whether to continue a 2013 waiver that lets California impose stricter **air pollution limits** regulations than the federal government does on "non-road" diesel engines like bulldozers and tractors.

— EPA is **reviewing several regulations still in litigation**, including rules on mercury from power plants, ozone, wetlands and waterways, pollution from heavy-duty trucks, methane emissions from new oil and gas operations, coal plants' pollution discharges into waterways and refrigerants, plus a rule that would let citizen groups sue power plants that exceed emissions limits during startup, shutdown or malfunction.

Cutting climate and green energy programs

— Trump's 2018 budget request proposed a **31 percent cut to EPA's budget**, which especially **targeted its climate programs**. He also proposed cutting climate research at other agencies, including Interior's U.S. Geological Survey.

— EPA reassigned employees who had been working on adapting to the effects of climate change.

— Trump called for **eliminating DOE's loan program** and its Advanced Research Projects Agency-Energy, which supports commercially risky technologies aimed at reducing greenhouse gas emissions. The administration also sought **deep cuts** to offices devoted to fossil, nuclear and renewable energy as well as **energy efficiency**.

— DOE placed a hold on funding for nearly two dozen ARPA-E projects. Only three have gotten approval under the Trump administration.

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Exxon shareholders win vote to build Paris climate pact into plans [Back](#)

By Ben Lefebvre | 05/31/2017 02:37 PM EDT

The Trump administration may be preparing to withdraw the U.S. from the Paris climate change accords, but shareholders at Exxon Mobil and at least one other U.S. oil company are demanding the companies incorporate the international deal in their business models.

Nearly two-thirds of Exxon's shareholders backed a proposal on Wednesday calling for the company to assess how climate change and global efforts to limit temperature increases will affect its business. The vote is non-binding, but the results show that the once-fringe idea of linking climate change to big oil's operations has gained momentum.

The vote at the Exxon annual shareholder meeting in Dallas came after investors in its smaller rival Occidental Petroleum earlier this month cast more than two-thirds of their votes for a measure calling for the company to assess how its business would be affected by the Paris climate change accord's target of holding global warming to 2-degrees. Company credit rating agency Moody's said last year it would start to use the Paris pledge to assess financial risk for corporations.

"Shareholders have spoken clearly on climate," said Danielle Fugere, president and chief counsel for As You Sow, a group that helps shareholders introduce environmental proposals. "If there's less demand for oil and the world is awash in oil, there's going to be more competition among these companies. Shareholders are trying to figure out who is the best bet."

Not all of these climate-related investor proposals succeeded, however. Chevron shareholders Wednesday morning rejected a motion that the company issue a report on how limiting global temperature increase to 2 degrees Celsius (3.6 degrees Fahrenheit) would affect its business. Only 27 percent of voting shareholders approved the proposal, down from more than 40 percent who voted for a similar proposal last year.

Exxon, Chevron and other energy companies facing such proposals argue that they are already taking the Paris agreement seriously and incorporating it into their business plans. Exxon in particular pointed out that it was developing technology that would capture the carbon emitted at natural gas power plants and then either store it or use it to produce more electricity.

"We believe the goal of carbon policy is to reduce emissions at the lowest cost to society," Exxon Chief Executive Darren Woods said at the shareholder meeting. "These goals led us to support the Paris Agreement." Woods sent President Donald Trump a letter earlier this month urging the U.S. to stay in the Paris deal.

For Exxon, the votes also illustrate how entangled the company has become in New York state climate change politics. The climate change proposal shareholders approved was partly sponsored by the New York State Common Retirement Fund, which is run by the State's comptroller. Meanwhile, the company is embroiled in a lawsuit with the New York and Massachusetts attorneys general over whether it withheld its own research on climate change from shareholders.

"The burden is now on Exxon Mobil to respond swiftly and demonstrate that it takes shareholder concerns about climate risk seriously," New York State Comptroller Thomas P. DiNapoli said in a prepared statement after the vote.

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Feds reach settlement with Harley-Davidson over defeat devices [Back](#)

By Alex Guillén | 08/18/2016 12:32 PM EDT

Harley-Davidson riders may have to do a little less freewheel burning after the motorcycle maker agreed to stop selling defeat devices that had EPA spitting flames.

In a [lawsuit](#) and [settlement](#) announced today, the Justice Department and EPA allege that Harley-Davidson sold 340,000 "super tuners," after-market defeat devices that can be installed on motorcycles to boost their performance. But they also increase emissions of hydrocarbons and nitrogen oxides, which contribute to smog formation.

The company has agreed to buy back and destroy the devices, which it sold at dealerships across the U.S. since 2008. It also will pay a \$12 million civil penalty and spend \$3 million on air quality mitigation projects.

"Given Harley-Davidson's prominence in the industry, this is a very significant step toward our goal of stopping the sale of illegal aftermarket defeat devices that cause harmful pollution on our roads and in our communities," said John Cruden, DOJ's top environmental prosecutor.

The violations were discovered following a "routine" inspection, according to the agencies.

Any tuners Harley-Davidson looks to sell in the future will have to be approved by the California Air Resources Board.

DOJ and EPA also say Harley-Davidson sold more than 12,000 bikes from 2006 to 2008 that were not covered by a key EPA certification. The company agreed to have all future motorcycle models certified by EPA.

The deal is open to a 30-day public comment period and judicial approval.

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Zinke signs order to promote oil drilling in Alaska [Back](#)

By Ben Lefebvre | 05/31/2017 05:27 PM EDT

Interior Secretary Ryan Zinke today signed an [order](#) aimed at sparking additional oil development in Alaska.

Interior will review the possibility of increasing oil production in the National Petroleum Reserve in Alaska and to assess how much oil and gas could be extracted from part of the Arctic National Wildlife Refuge.

The order seeks to revise BLM's Integrated Activity Plan to evaluate "efficiently and effectively maximizing the tracts offered for sale during the next NPR-A lease sale."

It also tells officials to come up with a plan to measure undiscovered, technically recoverable oil and natural gas resources of Alaska's North Slope, focusing in part on Section 1002 of the ANWR.

"Working with the Alaska Native community, Interior will identify areas in the NPR-A where responsible energy development makes the most sense and devise a plan to extract resources," Zinke said in a statement. "We will do it in a way that both respects the environment and traditional uses of the land as well as maintains subsistence hunting and fishing access."

Alaskan Republican Sens. [Lisa Murkowski](#) and [Dan Sullivan](#) hailed the move. Both senators have submitted bills this year in an attempt to jump-start energy production in the state.

The U.S Geological Survey in 2010 estimated the NPR-A held about 895 million barrels of economically recoverable oil and 52.8 trillion cubic feet of natural gas. In 1995, then-President Bill Clinton vetoed legislation Congress sent him that called for oil and gas exploration in the 1.5-million-acre Section 1002 of the ANWR.

WHAT'S NEXT: Interior officials have 31 days to come up with a plan to implement Zinke's directive.

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Russia probe scares off potential appointees [Back](#)

By Andrew Restuccia and Josh Dawsey | 05/31/2017 05:05 AM EDT

President Donald Trump's effort to fill hundreds of vacant jobs across the federal government has hit a new snag: Russia.

Potential hires are paying close attention to the expanding investigations, which have now begun to touch senior Trump aides, with some questioning whether they want to join the administration.

Four people who work closely with prospective nominees told POLITICO that some potential hires are having second thoughts about trying to land executive branch appointments as federal and congressional investigations threaten to pose a serious distraction to Trump's agenda.

"It's an additional factor that makes what was an already complicated process of staffing the government even harder," said Max Stier, head of the Partnership for Public Service, which has advised the Trump transition on hiring.

According to the nonpartisan Partnership for Public Service, the White House has announced nominees for just 117 of the 559 most important Senate-confirmed positions.

That trails the records of Presidents Barack Obama and George W. Bush, who had each nominated about twice as many people by this point in the first year of their first terms.

Trump has not yet nominated a No. 2 at the Agriculture Department, Education Department, Department of Veterans Affairs or Environmental Protection Agency, and dozens of top

positions at every federal agency remain vacant. Trump's nominees for deputy secretary of Commerce and Treasury both withdrew.

One lawyer who represents prospective political appointees told POLITICO that three clients said over the past two weeks that they are no longer interested in working for the Trump administration following the appointment of Robert Mueller as special counsel overseeing the federal investigation into Trump associates' contacts with Russian officials during the campaign.

"There's no doubt in my mind that people are being very cautious, to put it mildly," this lawyer said, adding that there is growing concern in Republican circles that the caliber of hires could deteriorate if the administration's top picks drop out.

"You're going to have a situation where they're going to have trouble getting A-list or even B-list people to sign up," the lawyer added.

Others agreed. "With all that is going on now, there is certainly a greater amount of hesitation," said a former government official who regularly speaks with one of Trump's Cabinet secretaries. "They have a real talent problem that continues to grow."

A White House spokeswoman said the Russia investigation and the series of news stories that have pummeled the administration in recent weeks have had no impact on hiring. She said the president is recruiting individuals "of the highest quality."

But the steady stream of palace intrigue stories about internal tensions and plans for a staff shakeup — after months of rumors about various senior officials getting pushed out — are making it harder to persuade people to join the administration, another White House official said.

White House communications director Michael Dubke said Tuesday he will leave his role, while Trump is weighing the possibility of bringing former campaign aides Corey Lewandowski and David Bossie into the White House.

"It's not the best place to work right now, but you're still working at the White House, so there are far worse jobs," the official said.

Former Bush and Obama administration officials who worked on personnel issues told POLITICO they never struggled to find qualified candidates for top jobs.

"I can't speak to Republicans not wanting to join this administration but, as a general matter, we didn't have trouble recruiting people — quite the opposite," said Lisa Brown, who served as White House staff secretary under Obama for two years.

Along with distracting from lower-level hires, the Russia probe has slowed and complicated the process of filling the administration's highest-profile vacancy — director of the FBI.

Trump administration officials have been frustrated by the difficulties they've faced in finding a new FBI director. Top White House officials, including chief of staff Reince Priebus and chief strategist Steve Bannon, hoped to have made a decision made by now.

Instead, leading candidates Sen. John Cornyn (R-Texas), Rep. Trey Gowdy (R-S.C.) and former Sen. Joe Lieberman have all withdrawn from consideration. The White House is now looking at a new field of candidates, and Trump met with two possibilities — John Pistole and Chris Wray — on Tuesday.

"It's not so easy to find an FBI director in the Trump administration," the White House official said.

The official added that Trump and his senior team are aware that hiring is not moving fast enough at agencies but said that, right now, "It's just not priority No. 1."

A second White House official said he was not aware of any potential nominees dropping out because of the recent news but echoed concerns that the Russia probe would inevitably add to further delays filling empty jobs.

"The problem we are likely to have is it may be difficult to get people to focus on hiring with all of this going on," the official said.

To view online [click here](#).

[Back](#)

EPA to reconsider more provisions of oil and gas well emissions rule [Back](#)

By Alex Guillén | 05/31/2017 11:55 AM EDT

EPA today placed a 90-day stay on several additional portions of its 2016 rule setting methane emissions limits for new oil and gas industry sources.

The delay is needed as the agency considers several petitions to reconsider parts of the regulation, EPA said. The agency in April stayed some other portions of the rule, including fugitive emissions

requirements, but today's announcement covers other key parts of the regulation.

Two more parts of the rule EPA will now reconsider are standards for well site pneumatic pumps and requirements for closed vent systems to be certified by a professional engineer, according to a Federal Register notice signed by Administrator Scott Pruitt on Friday and running soon.

Those requirements will be placed on hold for 90 days while EPA reviews them, and the agency "intends to look broadly at the entire 2016 Rule," not just the specific portions already identified, according to the notice.

EPA will have to take public comment on any proposed changes to the rule before finalizing them, and could subsequently face litigation.

WHAT'S NEXT: EPA will issue proposed changes to the rule's requirements and take public comment.

To view online [click here](#).

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This email was sent to jackson.ryan@epa.gov by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA

Message

From: Allen, Reginald [Allen.Reginald@epa.gov]
Sent: 7/7/2017 6:24:52 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]; Flynn, Mike [Flynn.Mike@epa.gov]; Reeder, John [Reeder.John@epa.gov]
Subject: AO Staff Office Weekly Report 3-7 July 2017
Attachments: AO Staff Offices Weekly Report--July 7 2017.pdf

Ryan/Mike/John

AO Staff Office Weekly Reports for 3-7 July 2017.

Best
Reggie

Reginald E. Allen, SES
Acting Deputy Chief of Staff
U.S. Environmental Protection Agency
Office 202-564-0444
Direct 202-564-1029
Cell Ex. 6 - Personal Privacy

AO STAFF OFFICES WEEKLY REPORT (3-7 July 2017)

Office of Civil Rights

HOT ISSUES:

Status of EEO and Anti-Harassment Policy Statements

Key Message: EPA should issue current EEO and anti-harassment policy statements.

Here are links to the EPA EEO and anti-harassment policy statements, which have not been updated since 2016.

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

The Equal Employment Opportunity Commission (EEOC) recommends that agency heads demonstrate their commitment to EEO and a workplace free of discriminatory harassment, by issuing a statement at the beginning of their tenure and annually thereafter.

UPCOMING EVENTS: N/A

UPCOMING MAJOR DECISIONS: N/A

PAST WEEK ACCOMPLISHMENTS: N/A

Office of Homeland Security

National Preparedness Review

Key Message: EPA is providing input to the National Security Council as it reviews the nation's preparedness plans.

EPA, led by OHS, is preparing its initial submission to the National Security Council (NSC) on what's working and what key gaps need filled among the Federal government's various preparedness plans, as a primary partner in the NSC's National Preparedness Policy Review. OLEM, OARM, OW, OAR and ORD are participating for EPA, which will likely highlight as successes the National Contingency Plan (NCP), Executive Order 12650 on Improving Chemical Facility Safety and Security, radiation response capabilities under the Public Health Service Act and Atomic Energy Act, and Homeland Security Presidential Directive 7 on Critical Infrastructure Identification, Prioritization and Protection. The Agency will probably recommend at least two improvement areas: (1) Better harmonization among differing organization structures under response programs to facilitate command and coordination; and (2) Greater integration of the Emergency Planning and Community Right-to-Know Act (EPCRA) State Emergency Response Commissions and Local Emergency Planning Committees into national preparedness activities.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

AO STAFF OFFICES WEEKLY REPORT (3-7 July 2017)

Office of Homeland Security (Continued)

Final Federal Power Outage Incident Annex

Key Message: EPA input is reflected in the Federal government's new Power Outage Incident Annex.

The National Security Council (NSC) and the Department of Homeland Security (DHS) issued the final Power Outage Incident Annex on Monday, 7/3, which included various input from EPA during its development over the past several years. The detailed annex describes the Federal government's concept of operations and unified coordination structures required to execute survivor-centric response operation and support the restoration of critical infrastructure in the wake of a long-term power outage. The document also identifies the interdependencies and cascading impacts that a long-term power outage would have on the nation. EPA has several critical roles, several which related to water supply and treatment.

Office of Children's Health Protection

UPCOMING EVENTS:

Ex. 5 - Deliberative Process

AO STAFF OFFICES WEEKLY REPORT (3-7 July 2017)

Office of Children's Health Protection (Continued)

PAST WEEK ACCOMPLISHMENTS:

On May 25, 2017, Dr. Ruth Etzel, Director of the Office of Children's Health Protection, Jonathan Edward, Director of the Office of Radiation and Indoor Air, and David Rowson, Director of the Indoor Environments Division, meet with representatives from the Coalition for Healthier Schools (Coalition). During the meeting the Coalition discussed its interests in working with the Agency on efforts to address environmental health of children in educational settings, possibly including innovative work on lead in water. The Coalition would like to partner with EPA to improve the environment in school and child care facilities. According to their estimate, 61+ million children attend public and private schools and child care centers nationwide.

Office of Public Engagement and Environmental Education

HOT ISSUES: None

UPCOMING EVENTS:

Office of Public Engagement Hosts Meeting with the National Mining Association on July 5, 2017.

Key Message: OPE is meeting with staff from the National Mining Association to discuss the Clean Power Plan (CPP) implementation.

The National Mining Association is focused on mining issues related to the economy, security, and infrastructure. This will be a listening session focused on discussing CPP implementation with OPE staff.

UPCOMING MAJOR DECISIONS: None

PAST WEEK ACCOMPLISHMENTS:

Office of Public Engagement Attended the Green Sports Alliance Summit on June 27-28, 2017

Key Message: OPE attended the Green Sports Alliance Summit, attending workshop sessions to enhance knowledge about green sports initiatives to support agency activities.

The Green Sports Alliance leverages the cultural and market influence of sports to promote healthy, sustainable communities where people live and play. EPA attends the annual summit to cultivate relationships with key sports stakeholders and to engage in workshop sessions on mobilizing athletes, fans, and communities around sustainability.

AO STAFF OFFICES WEEKLY REPORT (3-7 July 2017)

Office of Small & Disadvantaged Business Utilization

HOT ISSUES:

- **Small Business Goal Achievements:** The status of the agency-wide small business goal achievements for FY 2017 to date, based on data from the government-wide Federal Procurement Data System Next Generation, is as follows (green highlights denotes goal achievement for corresponding period):

| Overall Agency Status (including Interagency Agreement) From the Federal Procurement Data System Next Generation (FPDS-NG)* | | | | | |
|--|-------------|-------------|--------------|-----------------|----------------|
| Quarter | SB (40%) | SDB (5%) | WOSB (5%) | HUBZone (3%) | SDVOSB (3%) |
| 1st Quarter | 37.63% | 15.48% | 9.70% | 0.80% | 1.21% |
| 2nd Quarter | 40.31% | 15.25% | 6.62% | 1.15% | 3.47% |
| 3rd Quarter as of 6/30/17 | 37.81% | 14.20% | 702.00% | 1.20% | 3.18% |

- **Small Business Contracting Dashboard:** OSDDBU completed its final review of the new Small Business Contracting Dashboard. **Ex. 5 - Deliberative Process** It will serve as a tool to assist offices in tracking goal achievements and in furthering data-driven considerations in acquisition strategies.
- **GAO Draft Report on Federal OSDDBUs:** GAO provided a draft report on federal OSDDBUs for review and comment. The draft report assesses the OSDDBUs at each federal agency to verify that they are complying with the governing provisions of the Small Business Act. **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

- **OIG Ongoing Investigation of Grant Recipient:** OSDDBU assisted Region 6 in addressing the OIG's expressed concerns regarding a sub-grantee's compliance with the Disadvantaged Business Enterprise Program requirements. The OIG Dallas Field Office identified the DBE issues as part of its continuing investigation and reached out to OSDDBU for assistance in resolving the issues.

AO STAFF OFFICES WEEKLY REPORT (3-7 July 2017)

Office of Small & Disadvantaged Business Utilization (Continued)

UPCOMING EVENTS: None

UPCOMING MAJOR DECISIONS: None

PAST WEEK ACCOMPLISHMENTS:

- **New Grant Opportunity Posted:** A new OSDBU grant opportunity is now posted on Grants.gov. The open period for applications is from now through August 7, 2017. The grant will provide hosting and facilitation support for the Small Business Environmental Assistance Program's training event on a biannual basis. The announcement is accessible [here](#).
- **Meetings with Program Offices:** OSDBU is continuing its individual small business contracting program meetings with each program and regional office. The meetings will address the office's acquisition forecast submissions and strategies to increase small business contracting opportunities.

Office of Administrative and Executive Services

HOT ISSUES:

- **OAES Working Capital Fund Shortfall - awaiting OCFO input**
 - The AO is anticipating a significant shortfall in the Working Capital Fund for FY 2017. Some of the reasons for shortfall include: Transition spike in incoming political appointees, which is still on-going. High number than normal due to the use of Administrative Determined (AD) personnel that historically would be allocated to regions and programs offices are in AO. New appointee requirements for more expensive equipment through the WCF, (IPad Pro, and iPads, plus size phones, etc.) and a higher number of background investigations done at a higher cost to ensure for those that need clearances and will potentially need clearances to raise the baseline investigation to a level that allows transition to clearances without reinvestigations.
 - Mitigation –
 - AO has worked diligently to cut costs in as many areas as possible. By working with OEI and OGC, we initiated a project to clean up open registrations for computers under litigation hold for separated employees resulting in a savings of approximately \$77,000 when completed.
 - We have also conducted reviews throughout the year to ensure transfers and cancellations when employees either move to another office or depart from the Agency.
 - We have also swept all carryover funds from of our program offices and applied it to our WCF account in an effort to cut the shortfall.

AO STAFF OFFICES WEEKLY REPORT (3-7 July 2017)

Office of Administrative and Executive Services (Continued)

- Have requested financial assistance to meet this obligation through OCFO leadership (AO has traditionally been given funds to support an historically seriously unfunded WCF budget)
- **FY 2018-2022 EPA Strategic Plan Framework review** – staffed framework across AO for comments and red flags – providing feed to OCFO Friday.
- Initial groundwork for potential OPA / OPEEE reorg.
- Working potential new contracts / plan for
 - **OPA News Clips Service**
 - **FOIA Help contract for OEX**
 - **Conf Center 1153 – Audio / Video Contract**
 - Note: Each of these will require DA/Chief of Staff approval to enter the ongoing contracts close out process for this FY.
- **AO Specific Awards:** OAES is in the process of creating AO- specific awards to recognize the outstanding achievements of its employees. Recommendations range from managerial to administrative as well as team- specific awards. The working group developed a timeline to coincide with this year's end-of-year awards program and is looking forward to briefing Principals in the next SOD meeting.
- **VERA/VSIP ongoing activities.** Updated the budget information per new instruction from OARM / OCFO.
- **AO Combined Federal Campaign (CFC)** planning underway
- **Talent Hub:** Permanent placement efforts to support Talent Hub development (Scott Fraser)
 - Talent Hub User Guide assessment and revision (Scott Fraser)
- Migration of AO/OAES Databases from Lotus Notes – ongoing oversight
- Concur and Travel voucher close out/management

UPCOMING EVENTS:

Ex. 5 - Deliberative Process

PAST WEEK ACCOMPLISHMENTS/STATISTICS:

- Prepared and gathered AO/OAES responses to U.S. House of Representative Committee on Appropriations Questions for the Record. QFRs.
- Completed reviewing and commenting on HAC Transcript Edits for the Record following the House Appropriations Subcommittee Hearing held on June 15, 2016.

AO STAFF OFFICES WEEKLY REPORT (3-7 July 2017)

Office of Administrative and Executive Services (Continued)

- Met with four of OAES program offices to review and discuss their FY 17 Operating Plan funded levels.
- Working with OSDBU on Vendor database project. A commercial off the shelf product which will be used to track small business events, company's criteria, matching companies to task, and tracking business that has been awarded.
- Met with OEI, OP Director and other staff members to discuss chrome extensions and way forward.
- Continued the processing of refining credit card purchases and approval of concur travel request.
- Coordinated and provided input to OCFO for the FY 2018 Statistical Program's (Blue Book)
- Completed awards for each office as submitted. Collecting and reviewing information to determine balances.
- Initiated process to review AO current Security Clearance for Top Secret and Secret levels.
- e-Boss Updates: Creating SharePoint database for Telework and working on SF-52 form to replace Lotus Notes version.
- Request for secured area device and secure inventory. Annual Recertification and Classification of the four AO National Security rooms inventory listing. Verified and submitted an equipment check list for each room.
-

Office of the Executive Secretariat

HOT ISSUES:

Five new email campaigns addressed to the Administrator at pruitt.scott@epa.gov:

1. Clean Water Rule – Opposed to Repeal – Conservation Voters – 509 total.
2. Clean Water Rule – Opposed to Repeal – Environmental Law & Policy Center – 350 total.
3. Clean Water Rule – Opposed to Repeal (Docket Comments) – National Wildlife Federation – 91 total.
4. Clean Water Rule – Opposed to Repeal – Individual Comments – 85 total.
5. Swackhamer Testimony – Individual Comments – 18 total.

UPCOMING EVENTS: None

UPCOMING MAJOR DECISIONS: None

PAST WEEK ACCOMPLISHMENTS:

- Stats for the Week:
 - Issue Emails (incoming): 14,900; YTD total 711,782
 - Controlled Correspondence: 115 new; 256 closed; 325 overdue.
 - FOIA Requests: 12 closed; 37 new; 674 total; 292 overdue. Breakdown by office is OEX-391; OCIR-97; OPA-107; OP 45.

AO STAFF OFFICES WEEKLY REPORT (3-7 July 2017)

Science Advisory Board

HOT ISSUES: None

UPCOMING EVENTS:

A Federal Register Notice (FRN) was published on June 27, 2017, requesting nominations of qualified candidates to serve on the CASAC, SAB and six SAB standing Committees. The FRN requests nominations by July 27, 2017. The SAB would greatly appreciate help sharing the solicitation is open. Candidates may submit their nomination on SAB's website. Names and biosketches of qualified candidates will be posted on the website. The public will be requested to provide relevant information or other documentation on nominees that the SAB Staff Office should consider in evaluating candidates. The Administrator will select members after nominations have been evaluated.

UPCOMING MAJOR DECISIONS: None

PAST WEEK ACCOMPLISHMENTS:

SAB Responded to QFRs from HAC as requested on June 29, 2017

Key Message: All nominations will be evaluated. Appointments will be made after evaluations have been completed. The SAB continues and will continue to provide independent scientifically sound advice and peer review to the Administrator on a range of scientific and technical matters to inform policy decisions.

On June 28, 2017, SAB was asked respond to QFRs from Administrator Pruitt's testimony May 8, 2017. Members of the HAC, requested clarification re: how membership and a decreasing budget will affect the Board. The SAB responded explaining the SAB's membership process outlining the EPA is currently seeking nominations of qualified experts in response to the FRN published on June 27, 2017. The public has opportunities to nominate candidates. Once a list of potential candidates, the public has an option to comment on the List of Candidates on the CASAC, SAB, and SAB standing Committees. The current FRN requests nominations be submitted by July 27, 2017. The names and bio sketches of qualified nominees identified will be posted in a List of Candidates on the SAB website allowing feedback from the public. The candidates are evaluated, and a list of names will be submitted to the Administrator. The Administrator then selects members from evaluated nominations. The SAB will continue to meet its legal responsibility under the Environmental Research and Development Demonstration Authorization Act to advise EPA on its plans for research and development prioritizing as necessary.

AO STAFF OFFICES WEEKLY REPORT (3-7 July 2017)

Science Advisory Board (Continued)

SAB RTR Panel on June 29-30, 2017

Key Message: The Risk and Technology Review panel reviewed draft methods used to conduct required assessments under the Clean Air Act (CAA).

EPA completed a required one-time assessment of the health and environmental risks that remain after sources come into compliance with CAA MACT regulations. A residual risk stage review is also completed within eight years of promulgation of the initial MACT standard. The initial technology review requirement coincides in deadline with the risk review requirement. EPA generally combines two requirements in a “risk and technology review” process.

The RTR evaluations require the Agency to take “into account developments in practices, processes and control technologies.” EPA’s Office of Air Quality Planning and Standards requested the SAB to conduct a peer review of the screening methods for conducting the RTR analysis required by the CAA. The panel will evaluate changes to the methods proposed by OAQPS since that review and draft a report.

Message

From: J. Steven Hart [jshart@wms-jen.com]
Sent: 6/28/2017 11:32:37 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Fwd: EPA Budget Hearing
Attachments: Senate Appropriations 06-27-2017.docx; ATT00001.htm

Pruitt is already scheduled to meet with Dennis on July 11 with me along. Dennis is controllable so do not default on this one. I would send Van Hollen a follow up note saying "i already had this meeting on my calendar but was not sure if it was confidential since you ask the question. Senator- we would like to make this a productive meeting. i am happy to publicize your success in making this happen". Blah blah blah

Call me if you can. No urgency but we need to talk about issues unrelated to the EPA.

Sent from my iPad

Begin forwarded message:

From: "Frank C. Vlossak" <fcvlossak@wms-jen.com>
Date: June 28, 2017 at 7:22:50 PM EDT
To: "Treacy, Dennis" <dtreacy@smithfield.com>
Cc: "J. Steven Hart" <jshart@wms-jen.com>
Subject: EPA Budget Hearing

Dennis-

Note the Van Hollen exchange re: the Chesapeake Bay.

Frank

Chesapeake Bay

Senator Chris Van Hollen (D-MD) asserted the Chesapeake Bay is a "national treasure" and explained six states and the EPA formed a compact to clean up the bay. He said there was an effort to enforce the Total Maximum Daily Load (TMDL) program. He recalled Pruitt's confirmation hearing and noted he committed to working with the states. He asked how the budget meets that commitment. **Pruitt** asserted the TMDL program is reflective of what is good about state cooperation on cleaning up point and nonpoint sources. He said the EPA will work with states to ensure concerns are addressed. **Van Hollen** asserted eliminating the funding would make it more difficult to reach the goals and opposition to the cut to the Chesapeake Bay program has united the Maryland Congressional delegation. **Pruitt** acknowledged it is difficult to get six states together to reach that type of cooperation and commended the states. **Van Hollen** asked Pruitt to meet with the Chesapeake Bay Commission. **Pruitt** agreed.

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CONGRESSIONAL HEARING REPORT

DATE OF HEARING: June 27, 2017

SUBJECT: “Review of the FY2018 Budget Request for the Environmental Protection Agency”

COMMITTEE: Senate Appropriations

SUBCOMMITTEE: Interior, Environment, and Related Agencies

STAFF MEMBER COVERING HEARING: Michaela Boudreaux

Members Present

Republicans: Chairman Lisa Murkowski (AK), Senator Steve Daines (MT)

Democrats: Ranking Member Tom Udall (NM), Full Committee Ranking Member Patrick Leahy (VT), Senator Jon Tester (MT), Senator Chris Van Hollen (MD)

Witnesses

Scott Pruitt, Administrator, Environmental Protection Agency

- Accompanied by: Holly Greaves, Senior Advisor to the Administrator, Environmental Protection Agency

Overview

On June 27, the Senate Appropriations Committee’s Interior, Environment, and Related Agencies Subcommittee held a hearing entitled “Review of the FY2018 Budget Request for the Environmental Protection Agency.”

Topics discussed in the hearing included, but were not limited to: (1) budget prioritization; (2) information requests; (3) EPA staffing; (4) Accuracy of EPA Information; (5) Clean Power Plan; (6) Superfund sites; (7) Chesapeake Bay; (8) climate change; (9) WOTUS; (10) TSCA; (11) Air Shed Grant program; (12) Pebble Mine Clean Water Act permits; (13) Renewable Fuel Standard; and (14) methane emissions.

Member Statements

Chairman Lisa Murkowski (R-AK) stated the Environmental Protection Agency’s (EPA) FY 2018 budget request totals \$5.7 billion, a change from levels provided in the FY 2017 omnibus appropriations bill. She said for years, the Agency has overstepped its appropriate role, as it has produced rules using questionable legal authority. She argued states were often treated as adversaries.

She remarked the Waters of the United States (WOTUS) rule is problematic because it would subject even the most routine projects to EPA scrutiny and noted her concerns were ignored by the Obama Administration. **Murkowski** said the Agency is taking a hard look at duplicative and unnecessary financial assurance requirements for hardrock mining that were advanced during the previous Administration. She said Administrator Pruitt has signaled a desire to refocus the Agency on its core mission and spend more time moving forward on measures that have environmental benefits. **Murkowski** argued Congress can maintain responsible levels of spending at the EPA and unnecessary regulations do not always result in a cleaner environment. She asserted Congress cannot achieve the level of budget cuts proposed in the FY 2018 budget and effectively move forward on this approach. She explained the radon program helps fight the second leading cause of lung cancer and stressed she will push to reject these cuts. **Murkowski** stated she is pleased the budget proposes current funding levels for the Clean Water and Drinking Water State Revolving Fund and continues funding for the Water Infrastructure Finance and Innovation Act (WIFIA) program. She stressed her commitment to ensuring the Agency has the resources it needs to process air, water, and pesticide permits and to implement the new Toxic Substances Control Act (TSCA) law.

Ranking Member Tom Udall (D-NM) argued the budget request is “down right offensive,” as it would cut research and enforcement. He said support for states is cut by 45 percent, environmental justice programs are “zeroed out,” and all climate change programs are eliminated. He argued nothing was spared and EPA’s core is “hollowed out.” **Udall** asserted staffing has slid 10 percent over the last decade and the budget has dropped nearly \$1 billion. He argued the budget eliminates about 60 programs, including the Energy Star and WaterSense programs. **Udall** asserted many of the programs the Administration has proposed to eliminate have proven track records. He said the only bright spot is the continued funding for drinking water and clean water infrastructure for states. **Udall** noted Administrator Pruitt has expressed his intent to return responsibility back over to the states, but cut their funding. He argued states rely on the EPA for more than a quarter of the funding needed to carry out their delegated responsibilities. He said states rely on EPA to reduce ozone and monitor water pollution. He argued the budget proposes to cut enforcement by 23 percent. He noted the proposal also cuts 30 percent from Superfund cleanup despite 1,300 sites currently on a waiting list. **Udall** argued the Bonita Peak Mining District, which included Gold King Mine, needs comprehensive remediation, not a “band aid”. He stressed the budget cuts research funding in half. He claimed that the budget returns to the “dark ages”. He argued the chemical industry has punched loopholes in TSCA and called for the law to be implemented in the balanced way in which it was created. He noted the budget eliminates funding for climate change and the cuts go “hand and glove” with the President’s decision to withdraw from the Paris Agreement. **Udall** asserted the budget is “dead on arrival.” He noted the budget should focus on core responsibilities, but the new EPA thinks it is their core responsibility to cater to industry, to deny science, and walk away from global commitments.

Full Committee Ranking Member Patrick Leahy (D-VT) stressed the budget does not uphold the Agency’s mission and the government should be doubling down on investment. He argued the for investment in the Clean Air Act (CAA) and the Clean Water Act (CWA) He said citizens have a right to clean air and it is troubling that the budget has stooped to “anti-science.” He asserted the EPA has erased the climate change website. **Leahy** noted Vermont is powerless to stop pollution from coming across its borders, which is why there are federal regulations. He argued the Administration is ignoring science and has separated the U.S. from every other country on the planet. He said decades of investment are threatened by the budget, including Lake Champlain.

Leahy asserted people know both jobs and clean water are possible and do not support Administrator's Pruitt's choice between the two. He argued that Pruitt is turning the EPA into the "polluter protection agency" and the budget is "dead on arrival".

Witness Testimony

Scott Pruitt, Administrator, Environmental Protection Agency, stated the EPA is getting back to the basics and focused on air attainment, air quality standards, clean water infrastructure, superfund, and updating TSCA. He explained when he started at the Agency, he set up three core responsibilities. **Pruitt** stated the EPA is working to bring back the rule of law. He said any action that exceeds the authority set forth by Congress cannot be consistent with the Agency's core mission. He stressed the EPA is focused on process and regulation through litigation is something the agency will not continue. He asserted process should be respected. **Pruitt** stated the EPA realizes the importance of cooperative federalism. He said the one-size fits all strategy to achieve environmental outcomes is difficult, as states have unique environmental challenges and needs. **Pruitt** noted the EPA can fulfill its core mission with the trimmed budget and will work with the Congress to focus the national priorities with respect to the resources provided. He stated the EPA will continue to work cooperatively with the states to improve air, land, and water. **Pruitt** stressed the EPA is focused on air attainment through compliance, assistance, and enforcement. He asserted the U.S. has made tremendous progress through investment and since 1980, ozone has decreased by 33 percent. He said the EPA will continue to partner with the states to maintain drinking water infrastructure. **Pruitt** argued the EPA should only intervene when the states demonstrate an unwillingness to comply with the law. He stated in regard to contaminated land, the EPA will work to punish bad actors. He said enforcement efforts have produced billions of dollars in cleanup and stressed the Agency will work with partners to enforce the law. He stressed regulatory certainty is key and when the job is done well, there are positive environmental outcomes.

Question and Answer

Budget Prioritization

Chairman Lisa Murkowski (R-AK) asserted a budget is a prioritization of what is important and noted the Drinking Water State Revolving Funds are included in the budget. She stated many other programs have been reduced. She asked Administrator Pruitt to explain the prioritization of the budget and how it fits with the EPA's mission. **Pruitt** said it is his goal to make decisions, as there are Superfund sites across the country where it has taken the agency 27 years to make a decision. He asserted it is "unacceptable" and citizens deserve better. **Pruitt** explained with respect to air quality, pollutants have decreased since 1980, but the EPA will engage in enforcement and compliance. He stressed the EPA will collect real-time data, not model data. He stated there is a backlog of state implementation plans at the EPA and there is work to be done through management and leadership.

Ranking Member Tom Udall (D-NM) said there is a mismatch of the stated prioritizes and the funding request. He noted the budget cuts \$150 million in grants for states to reduce air pollution, including \$30 million targeted to areas with the worst air quality. He asked how states can make up for the drop in federal support when several states are still recovering from the recession. **Pruitt** explained the Targeted Air Shed Grants have served a useful purpose and the EPA will discuss the issue further. He stated air transport issues and air quality issues impact regions over state lines. He

said the EPA serves an important role in cross-state air pollution issues and will work with Congress to achieve better attainment. **Udall** asserted environmental laws have been delegated to states and questioned how the EPA can expect to do more with less. **Pruitt** noted there will be cooperation and he has met with governors on a number of issues ranging from attainment to Superfund sites. He asserted the EPA needs to make decisions and assist. He explained the EPA just joined Colorado on an enforcement matter against a company. **Udall** asserted the states need the budget to do their job.

Full Committee Ranking Member Patrick Leahy (D-VT) argued that the EPA budget is the worst he has seen. He stated the EPA is providing support for states and regions across the country to clean up lakes. He noted Lake Champlain is the largest body of fresh water outside of the Great Lakes. He argued Vermont embraced the EPA's assistance to clean up point and nonpoint sources, but the Trump Administration budget would erase financial support. He asked if the proposal would be a setback to cleaning up the Lake. **Pruitt** acknowledged that the Great Lakes Initiative has meaningful objectives. **Leahy** asked if the budget cut would set back the cleanup. **Pruitt** replied the support the EPA provides is important.

Information Requests

Ranking Member Tom Udall (D-NM) said it is a long standing practice to request information from federal agencies and asked **Pruitt** to respond to all questions from Committee Democrats. **Pruitt** agreed and noted during the confirmation process, he met with several majority and minority members. He stressed he will work to respond to information and to address **Udall's** concerns.

EPA Staffing

Ranking Member Tom Udall (D-NM) stated the budget proposes to cut 3,800 employees. He noted the FY 2017 bill provided funding to maintain the current staffing level. He stressed the Committee will have a say on any decisions and asked if **Pruitt** will take the Committee's direction on staffing. **Pruitt** responded there have been no "pink slips" issued by the Agency. He said EPA respects the role of Congress.

Chairman Lisa Murkowski (R-AK) asked the Agency's progress in filling regional administrator positions acknowledging they are not subject to Senate confirmation. **Pruitt** explained the EPA is making progress and expressed hope that regional administrators will be appointed soon.

Accuracy of EPA Information

Senator Chris Van Hollen (D-MD) contended that there is inaccurate information coming out of the EPA. He said there was an article in the New York Times reporting a case in which the EPA tried to change the testimony of a staff member. He asked Administrator **Pruitt** if he is aware of the instance. **Pruitt** replied he is not familiar with the article. **Van Hollen** asked if accuracy was important. **Pruitt** stressed he takes scientific review very seriously.

Clean Power Plan

Senator Steve Daines (R-MT) noted there are flaws in the Clean Power Plan and the standards were unattainable. He argued it was an economic disaster, as 7,000 jobs were lost in Montana.

Superfund Sites

Senator Steve Daines (R-MT) expressed concern with the proposed cuts to the Superfund program, as Montana has 19 sites. He noted during the confirmation process, he asked for a commitment to cleaning up the sites. He stressed there is a lack of transparency with local governments. He asked Pruitt what aspects he would like to improve. **Pruitt** stressed sites are not isolated in the length of time they are listed. He stated the EPA will work closely and collaboratively at the local level and will make sure local voices are heard. **Daines** asked how to respond to the criticisms of the EPA and how to engage communities and those who are frustrated with the lack of progress. **Pruitt** stressed there are several vendors involved with remediation and he is working to gain more consistency in how the EPA responds to Superfund sites. He stated he is working to update best practices and there are several opportunities in remediation. **Daines** asked for a commitment to review each of Montana's Superfund sites. **Pruitt** agreed and said he would work to set up a work management plan for cleanup. He noted in several sites across the country there is a lack of urgency. **Daines** stated he would submit recommendations on how to improve the program.

Senator Jon Tester (D-MT) noted the Superfund program budget is cut by \$215 million. He stated Butte, Montana has a pit full of toxic water that is so bad, geese are dying. He asserted the Superfund site will start impacting drinking water and it is a "big dollar project." He argued it would consume the entire Superfund budget. **Tester** noted Pruitt said he would punish the bad actors. He asked how the budget meets the core mission of the EPA. **Pruitt** said 60 percent of Superfund sites are privately funded. He stressed the EPA goes to the responsible parties and negotiates rather than demanding funds for cleanup. **Tester** asked what would happen if the polluter refuses to pay. **Pruitt** stated the EPA would sue. **Tester** noted the EPA negotiates and the local communities are often left out of the conversation. He asked Pruitt to include community groups. **Pruitt** replied it will not be "business as usual."

Chairman Lisa Murkowski (R-AK) said she has interests that she has been trying to advance over the years and has worked with former EPA Administrator McCarthy. She asked Pruitt to work on those issues. **Pruitt** agreed. **Murkowski** noted the federal government has failed to cleanup land, including lands given to Alaskan natives. She said there is no lead agency on the issue and there should be interagency cooperation. She asked Pruitt to meet with her on the issue. **Pruitt** replied there are Superfund sites that have multiple agency jurisdictions and interagency collaboration is important. He argued many times, decisions are dragged on over years and noted working with agencies is difficult.

Chesapeake Bay

Senator Chris Van Hollen (D-MD) asserted the Chesapeake Bay is a "national treasure" and explained six states and the EPA formed a compact to clean up the bay. He said there was an effort to enforce the Total Maximum Daily Load (TMDL) program. He recalled Pruitt's confirmation hearing and noted he committed to working with the states. He asked how the budget meets that

commitment. **Pruitt** asserted the TMDL program is reflective of what is good about state cooperation on cleaning up point and nonpoint sources. He said the EPA will work with states to ensure concerns are addressed. **Van Hollen** asserted eliminating the funding would make it more difficult to reach the goals and opposition to the cut to the Chesapeake Bay program has united the Maryland Congressional delegation. **Pruitt** acknowledged it is difficult to get six states together to reach that type of cooperation and commended the states. **Van Hollen** asked Pruitt to meet with the Chesapeake Bay Commission. **Pruitt** agreed.

Climate Change

Chairman Lisa Murkowski (R-AK) noted Alaska has seen the effects of the changing climate and the budget eliminates climate change programs. She asked what common sense elements of the proposal would have a positive impact on the environment. **Pruitt** replied the greatest progress has been with mobile sources, including Corporate Average Fuel Economy (CAFE) standards. He stressed there has also been progress on the CO2 footprint from industry. He said technology has contributed to some of the progress and reiterated the most progress has been made on the mobile source category.

Ranking Member Tom Udall (D-NM) asked Pruitt for his position on climate change. **Pruitt** explained CO2 is impacting the climate and human activity contributes to that in some measure. He stated when the Clean Air Act was amended in 1990, there was discussion on whether CO2 was meant to be regulated. He asserted the EPA is responding to the CO2 issue and evaluating the tools in the tool box.

Senator Chris Van Hollen (D-MD) asked why the EPA took down the climate change website. **Pruitt** explained there were changes to the website. He said there have been changes to the CAA and there is ongoing review with regards to what authority the EPA has to address the issues.

WOTUS

Chairman Lisa Murkowski (R-AK) asserted she is pleased with the reexamination of the WOTUS rule. She asked for the Agency's schedule once the previous rule has been rescinded. **Pruitt** replied that the proposed rule to repeal the WOTUS rule has been sent to the Federal Registrar for publication. **Murkowski** asked for the process moving forward. **Pruitt** explained the 2015 rule created a lack of clarity and a situation in which land owners across the country were unsure if their streams were subject to EPA jurisdiction. He said the EPA is aiming to provide clarity and submit a proposed rule replacing the WOTUS rule by the end of this year. **Murkowski** noted about two-thirds of the land in Alaska is considered a wetland and asked for Alaska to have an opportunity to work on the impact of the proposal. **Pruitt** explained the EPA has already engaged with tribes and states on the issue and robust discussions are occurring.

TSCA

Ranking Member Tom Udall (D-NM) noted the proposal cuts programs vital to TSCA and argued strong implementation requires a strong EPA. He asked how to reconcile the cuts with support for a timely TSCA implementation. **Pruitt** noted TSCA requires that any new chemicals are approved by the Agency, and he is working to address the backlog of chemicals. He stressed that the

Office of Research and Development (ORD) can provide technical assistance to the states to address air attainment and water quality issues. **Udall** expressed concern with the TSCA framework rules and asked Pruitt to provide a comprehensive review of chemicals. He asked Pruitt for a commitment not to “cherry pick” conditions of use when evaluating chemicals for safety. **Pruitt** replied the statute requires a risk-based assessment on chemicals and that is what the EPA will apply.

Pebble Mine Clean Water Act Permits

Chairman Lisa Murkowski (R-AK) noted there was a settlement reached with the Pebble Limited Partnership that would allow Pebble to apply for a Clean Water Act permit. She stated as part of the settlement, EPA agreed to withdraw the proposed clean water determination and agreed to do so within 60 days. She expressed concern if the Agency uses the entire 60 days, the withdrawal could happen in July, which is in the middle of the fishing season. She said the timing may limit participation. She asked Pruitt for a commitment to have a reasonable comment period of 90 days. **Pruitt** explained all voices should be heard and the EPA’s decisions are based on the restoration of due-process.

Renewable Fuel Standard

Ranking Member Tom Udall (D-NM) expressed concern with the Renewable Fuel Standard’s (RFS) implementation as it has lead to widespread land conversion and said the EPA is charged with the reviewing standards. He asked Pruitt for a response to his recently submitted letter and the production of reports required by the statute. **Pruitt** replied he would respond to the letter. **Udall** argued the RFS is not working in the way Congress intended. He asked Pruitt if he agrees Congress should encourage more advanced biofuels rather than only promoting conventional corn ethanol. **Pruitt** asserted Congress set forth four categories under the advanced and conventional banners. He explained the statute is difficult to administer because Congress has been prescriptive and the very specific blended gallons have not been achieved in the various categories. He stated he will work with Congress to address the requirements.

Methane Emissions

Ranking Member Tom Udall (D-NM) noted Pruitt recently proposed a two year suspension for the oil and gas industry to comply with the leak detection and repair requirements of the new source performance standard that limits methane emissions. He asserted the regulation was designed to cut methane pollution by 40 percent from 2012 levels. **Udall** stated the cost savings for the oil and gas industry will be more than \$173 million. He argued the suspension puts children’s health at risk and asked if the suspension signals that the EPA will begin a formal rule making process to replace it with a new rule that will protect the health of the environment and children. **Pruitt** stressed it is not intended to send a message in any particular way. He explained there is insufficient information and the delay was put in place to address the missing information needed for implementation. **Udall** asked if the EPA should have a role in regulating methane emissions. **Pruitt** asserted the EPA should have a role.

Message

From: Lyons, Troy [lyons.troy@epa.gov]
Sent: 6/28/2017 1:40:57 PM
To: Freedhoff, Michal (EPW) [Michal_Freedhoff@epw.senate.gov]; Jackson, Ryan [jackson.ryan@epa.gov]
CC: Russell, Richard (EPW) [Richard_Russell@epw.senate.gov]; Horner, Elizabeth (EPW) [Elizabeth_Horner@epw.senate.gov]; Clifford, Brian (EPW) [Brian_Clifford@epw.senate.gov]; Batkin, Gabrielle (EPW) [Gabrielle_Batkin@epw.senate.gov]; Repko, Mary Frances (EPW) [mary_frances_repko@epw.senate.gov]; Goffman, Joseph (EPW) [Joseph_Goffman@epw.senate.gov]; Palich, Christian [palich.christian@epa.gov]
Subject: RE: followup/correspondence

All—I just finished a meeting with the members of my team who handle oversight issues. They are going to start working on the document requests right away; however, they estimate it will take some time for them to pull the documents. They need to look at each request and the volume of documents before an accurate timeline is confirmed.

While it may take some time, please know that we are working diligently, and as quickly as possible to satisfy the Ranking Member's request. We will be adding folks to the team solely for this purpose.

Thus far, we have provided a list of the political appointees. I will provide a list of all pending FOIA requests later today, and will have a briefing set up with EPA staff to help you better navigate the FOIA website.

Documents will start being pulled for:

Chlorpyrifos

Icah/RFS

Record Keeping/Transparency

CPP

I will keep you all updated as things progress. As always, please do not hesitate to contact me should you have any questions or wish to discuss further.

Many thanks,

Troy

Ex. 6 - Personal Privacy

From: Freedhoff, Michal (EPW) [mailto:Michal_Freedhoff@epw.senate.gov]
Sent: Monday, June 26, 2017 5:59 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Cc: Russell, Richard (EPW) <Richard_Russell@epw.senate.gov>; Horner, Elizabeth (EPW) <Elizabeth_Horner@epw.senate.gov>; Clifford, Brian (EPW) <Brian_Clifford@epw.senate.gov>; Batkin, Gabrielle (EPW) <Gabrielle_Batkin@epw.senate.gov>; Repko, Mary Frances (EPW) <mary_frances_repko@epw.senate.gov>; Goffman, Joseph (EPW) <Joseph_Goffman@epw.senate.gov>; Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov>
Subject: followup/correspondence

Ryan and Troy –

Thanks so much for your time this morning. Very much appreciated. We're hopeful that we can work through these issues, and as we noted, we are more than happy to talk through any logistical, scope or timing issues as they arise. What follows is our list (in order of your binder table) of what is pending, along with what we understand to be the status. If you could confirm/revise and add your expected date of response and send it back our way, that would be helpful.

Thanks again

Michal

Chlorpyrifos

- Request for responsive documents, including those to/from transition staff
- Noted existence of 9 seemingly related FOIA requests
- EXPECTED DATE:

OK Email address

- Draft response under review
- Note there are 96 FOIA requests that come up when you type in "Pruitt email"
- Some questions likely to be referred to OK AG
- Unlikely to specify internal EPA email address but to narratively describe its existence
- EXPECTED DATE:

ICAHN/RFS

- Expectation is it is unlikely to lead to many responsive documents
- Noted existence of 10 seemingly related FOIA requests
- EXPECTED DATE:

Devon/Enforcement

- Response in process
- Likely need to note in writing a commitment to provide enforcement-sensitive documents about Devon after Devon case is closed, and to provide requested monthly reporting to EPW going forward
- EXPECTED DATE:

Record-keeping/transparency

- Calendars – noted 29 seemingly related FOIA requests, recommendation by EPW Democratic staff to conform with past bipartisan EPA transparency measures on calendar publication for EPA Administrator and other confirmed officials in lieu of just providing calendars to Senators/FOIA. [Link](#) to Reagan Administration EPA policy that published calendars weekly.
- Transition/political appointees – respond to requested information. This request, which has forward-looking submittals associated with future political appointees, may also capture some other pending letters and requests on Tate Bennett (3 seemingly related FOIA requests) and Nancy Beck (24 seemingly related FOIA requests).
- FOIA list – request to either provide us with a more effective way to search the FOIA database to yield the information requested, or provide monthly lists as requested
- EXPECTED DATE:

CPP EO

- Response under review (many FOIAs on CPP but unclear what overlap exists in terms of requested materials)
- EXPECTED DATE:

Tate Bennett ethics

- May also be partially responded to by broader response to record-keeping/transparency request
- 3 seemingly related FOIA requests
- EXPECTED DATE:

ICR

- Requested answers to questions/information asked for
- EXPECTED DATE:

BOSC

- Some attachments in draft response which is under review, but not clear if all requested material
- Some answers not known (all BOSC members have to re-apply, not known which won't be reappointed)
- BOSC likely to meet in November rather than August
- EXPECTED DATE: Ex. 5 - Deliberative Process

OK GOP Gala

- Confirm that no additional political events have been agreed to (email confirmation fine)

HONEST Act

- Awaiting guidance from OGC
- EXPECTED DATE:

Michal Ilana Freedhoff, Ph.D.

Director of Oversight

Committee on Environment and Public Works Democratic Staff

Message

From: Greaves, Holly [greaves.holly@epa.gov]
Sent: 6/27/2017 5:51:29 PM
To: Yamada, Richard (Yujiro) [yamada.richard@epa.gov]
CC: Jackson, Ryan [jackson.ryan@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]
Subject: Questions for the record - science and research
Attachments: HAC ORD QFRs (June 27 2017).docx

Richard,

We have received over 250 questions for the record from members of Congress related to the Administrator's House Budget Hearing;

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Attached please find the questions assigned to you. Thanks in advance for your help!

Holly

U.S. House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Budget Hearing: Environmental Protection Agency
June 15, 2017

Questions for the Record – Administrator of the Environmental Protection Agency

Office of Research and Development

McCollum Q22: What is Administrator Pruitt's view about how science should inform policy?

McCollum Q23: Does Administrator Pruitt see himself as the arbiter of what science is acceptable and if so, on what basis and with what training?

McCollum Q24: If not, why is the Administrator choosing to dismiss the science of his own agency in regards to climate change?

McCollum Q30: In 2007 the Supreme Court ruled in *Massachusetts v. Environmental Protection Agency* that harms associated with climate change are serious and well recognized. How does the Agency interpret this ruling and EPA's role in regulating greenhouse gases that drive global warming, including carbon dioxide and methane?

McCollum Q31: How does the budget reflect EPA's obligation as outlined by the court?

McCollum Q32: Does the Agency recognize that EPA is legally required to regulate emissions of CO₂ based on this ruling? If so, what is its plan to do so expeditiously, especially in light of stopping the implementation of the Clean Power Plan and methane regulations?

McCollum Q33: Looking at the landscape of reductions this budget proposes why shouldn't one conclude this budget is an attempt to cut industry compliance costs by crippling the ability of EPA and states to develop scientific information and issue and enforce regulations regardless of the likely damage to public health and environmental protection?

Science Advisory Board

Outside scientific advisory boards provide feedback and evaluation of the science used by the EPA to develop guidance, regulations, and make important management decisions.

McCollum Q53: What timeframe has Administrator Pruitt set to make his determination about the appropriateness of these boards and committees and their membership?

McCollum Q54: While every administration reviews the composition of these advisory bodies, what percentage of current members has Administrator Pruitt decided to terminate?

McCollum Q55: What is the basis for Administrator Pruitt's decision to not renew the appointments of nine Board of Scientific Counselors (BOSC)?

McCollum Q56: It has come to the Committee's attention that you are asking all members of the BOSC to reapply for their positions as their first terms expire. Has the Agency changed the long standing practice of renewing BOSC members for a second term if they are willing to serve? If so, is the Agency concerned about the loss of institutional knowledge and decreased familiarity with the structure and operation of the boards that would come if all members serve only one term? What criteria does the Agency intend to use to evaluate the members' application to serve an additional term if they do reapply?

McCollum Q57: On May 8, 2017, Administrator Pruitt's spokesman said "EPA received hundreds of nominations to serve on the board and we want to ensure fair consideration of all the nominees." His office also stated "'EPA received hundreds of nominations to serve on the board, and instead of reappointing nine people who have already served their three-year term, we want to ensure fair consideration of the other nominees and a carry-out a competitive nomination process," This was misleading, as it sounds as if hundreds of people are lined up, hoping to get on this board. In fact, nominations are only received when there is a call for nominations made in the Federal Register, and the "hundreds of nominations" referred to by Administrator Pruitt's office in these two statements in fact were from an FRN notice in 2013 (so nominations on this list are more than 4 years old). Is Administrator Pruitt planning to select from this old list? Is he going to add the "old list" to the list of nominations he receives from his recent FRN call-for-nominations (FRN 5/25/17)? Or just select from his new list?

McCollum Q58: The BOSC does not review or advise or comment on regulations, and only advises on the basic science conducted within the Office of Research and Development yet Administrator Pruitt has stated he believes people on this board should understand the impact of regulations on the regulated community. What kind of expertise are is Administrator Pruitt looking for that does not reside with the current membership?

McCollum Q59: Does Administrator Pruitt want to replace these scientists with more members from regulated industry and would these people be active researchers or managers with a science degree?

McCollum Q60: Why isn't Administrator Pruitt concerned this will marginalize the future role for objective, knowledgeable science advisors that aren't influenced by politics?

McCollum Q61: The BOSC is an 18 member advisory committee. What is the current membership?

McCollum Q62: BOSC was initially designed, and has been administered, as an advisory committee that reports to the Assistant Administrator of ORD, not to the Administrator. Why did Administrator Pruitt's office get involved in the membership process of BOSC? Is he planning on having the Administrator's Office take a direct, hands-on approach to selecting the new members of BOSC?

McCollum Q63: Why has Administrator Pruitt not named an Assistant Administrator for ORD (or most of the other Program Offices)? Does he plan to name a qualified scientist, as has been the case throughout EPA history? Why has Administrator Pruitt not named a Science Advisor? Does he plan, as previous administrators have done (both democratic and republican), to have the AA for ORD also serve as Science Advisor to the Administrator?

McCollum Q64: The budget proposes to cut the ORD scientific staff by 42%. Who will replace this void in generating science information for the Agency, given that ORD is doing the research that it does because no one else is doing it? Is EPA indicating that science evidence is not important, not needed for the Agency to meet its mission? How will EPA meet state needs, given that much of ORD's research is requested by the Regional Offices to help states? Does EPA intend to not assist the states with scientific information in the future?

McCollum Q65: Congress established the Science Advisory Board (SAB) and the Clean Air Scientific Advisory Committee (CASAC) to provide independent scientific and technical advice to the Administrator. They provide this important advice on a very modest budget (\$646,000). By law, both of these independent advisory groups hold public meetings to deliberate and take public comments. The FY 2018 budget proposes to cut these two critical groups by about 20% and severely limit both the SAB and CASAC in their meetings, despite all the many complex scientific issues they must advise you on. How does EPA reconcile this cut with the CASAC's legal responsibility under the Clean Air Act to review the science EPA uses to reassess National Ambient Air Quality Standards every 5 years?

McCollum Q66: The SAB and CASAC are Federal Advisory Committee Act (FACA) EPA advisory boards. Will it be Administrator Pruitt's policy to not renew members of science boards such as this for a second term? In other words, will your policy be for all appointees to only serve one term? Will this apply to the new members you appoint?

McCollum Q67: Without this science review, how will EPA ensure it is keeping air standards current and up to date?

McCollum Q68: Specifically, how will EPA see that it completes a major scientific review for particulate matter that was scheduled for 2017, and other criteria pollutants that are overdue for their review?

McCollum Q69: How does EPA propose the SAB provide scientifically sound advice and peer review on health assessments for high-priority chemicals, that state environmental programs, not just EPA, rely on to inform clean-up decisions, permits, and regulatory actions? How will the SAB meet its legal responsibility under the Environmental Research and Development Demonstration Authorization Act to advise EPA on its plans for research and development (R&D)?

McCollum Q70: The SAB and BOSC have different purposes. Will Administrator Pruitt be using different criteria for appointing members to the BOSC than to the SAB, and how will those criteria differ?

McCollum Q71: How will EPA ensure key technical positions at the agency are filled with qualified scientists free from conflict of interest?

McCollum Q72: How can EPA maximize and effectively target its limited research dollars, if these groups of outside scientists cannot meet to advise EPA, share research results, and identify strategies to reduce redundancy and costs?

McCollum Q73: About one third of the terms of SAB and CASAC members, experts in their respective technical fields, will expire this fall. Each April for the past nine years, the SAB Staff Office has published a Federal Register notice seeking nominations for new scientists, economists and other technical experts to join the SAB and CASAC. This begins a multi-month process, resulting in recommendations for qualified nominees to submit to the EPA Administrator. Why has no Federal Register notice yet been published this year seeking nominations for the SAB and CASAC?

McCollum Q74: How will EPA ensure that there will continue to be the necessary quorum of members with the appropriate qualifications to serve on the committees? Will EPA commit to continued public involvement in the membership process?

Message

From: Lyons, Troy [lyons.troy@epa.gov]
Sent: 6/27/2017 1:35:52 AM
To: Freedhoff, Michal (EPW) [Michal_Freedhoff@epw.senate.gov]
CC: Jackson, Ryan [jackson.ryan@epa.gov]; Russell, Richard (EPW) [Richard_Russell@epw.senate.gov]; Horner, Elizabeth (EPW) [Elizabeth_Horner@epw.senate.gov]; Clifford, Brian (EPW) [Brian_Clifford@epw.senate.gov]; Batkin, Gabrielle (EPW) [Gabrielle_Batkin@epw.senate.gov]; Repko, Mary Frances (EPW) [mary_frances_repko@epw.senate.gov]; Goffman, Joseph (EPW) [Joseph_Goffman@epw.senate.gov]
Subject: Re: followup/correspondence

Thanks, Michal. I will have a better answer for you all tomorrow on timing, etc. thanks for taking the time to discuss.

Sent from my iPhone

On Jun 26, 2017, at 5:59 PM, Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov> wrote:

Ryan and Troy –

Thanks so much for your time this morning. Very much appreciated. We're hopeful that we can work through these issues, and as we noted, we are more than happy to talk through any logistical, scope or timing issues as they arise. What follows is our list (in order of your binder table) of what is pending, along with what we understand to be the status. If you could confirm/revise and add your expected date of response and send it back our way, that would be helpful.

Thanks again

Michal

Chlorpyrifos

- <!--[if !supportLists]--><!--[endif]-->Request for responsive documents, including those to/from transition staff
- <!--[if !supportLists]--><!--[endif]-->Noted existence of 9 seemingly related FOIA requests
- <!--[if !supportLists]--><!--[endif]-->EXPECTED DATE:

OK Email address

- <!--[if !supportLists]--><!--[endif]-->Draft response under review
- <!--[if !supportLists]--><!--[endif]-->Note there are 96 FOIA requests that come up when you type in "Pruitt email"
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- <!--[if !supportLists]--><!--[endif]-->Unlikely to specify internal EPA email address but to narratively describe its existence
- <!--[if !supportLists]--><!--[endif]-->EXPECTED DATE:

ICAHN/RFS

- <!--[if !supportLists]--><!--[endif]-->Expectation is it is unlikely to lead to many responsive documents
- <!--[if !supportLists]--><!--[endif]-->Noted existence of 10 seemingly related FOIA requests
- <!--[if !supportLists]--><!--[endif]-->EXPECTED DATE:

Devon/Enforcement

- <!--[if !supportLists]--><!--[endif]-->Response in process
- <!--[if !supportLists]--><!--[endif]-->Likely need to note in writing a commitment to provide enforcement-sensitive documents about Devon after Devon case is closed, and to provide requested monthly reporting to EPW going forward
- <!--[if !supportLists]--><!--[endif]-->EXPECTED DATE:

Record-keeping/transparency

- <!--[if !supportLists]--><!--[endif]-->Calendars – noted 29 seemingly related FOIA requests, recommendation by EPW Democratic staff to conform with past bipartisan EPA transparency measures on calendar publication for EPA Administrator and other confirmed officials in lieu of just providing calendars to Senators/FOIA. [Link](#) to Reagan Administration EPA policy that published calendars weekly.
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- <!--[if !supportLists]--><!--[endif]-->BOSC likely to meet in November rather than August
- <!--[if !supportLists]--><!--[endif]-->EXPECTED DATE: Ex. 5 - Deliberative Process

OK GOP Gala

- <!--[if !supportLists]--><!--[endif]-->Confirm that no additional political events have been agreed to (email confirmation fine)

HONEST Act

- <!--[if !supportLists]--><!--[endif]-->Awaiting guidance from OGC
- <!--[if !supportLists]--><!--[endif]-->EXPECTED DATE:

Michal Ilana Freedhoff, Ph.D.

Director of Oversight

Committee on Environment and Public Works Democratic Staff

Message

From: Freedhoff, Michal (EPW) [Michal_Freedhoff@epw.senate.gov]
Sent: 6/26/2017 9:58:32 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]
CC: Russell, Richard (EPW) [Richard_Russell@epw.senate.gov]; Horner, Elizabeth (EPW) [Elizabeth_Horner@epw.senate.gov]; Clifford, Brian (EPW) [Brian_Clifford@epw.senate.gov]; Batkin, Gabrielle (EPW) [Gabrielle_Batkin@epw.senate.gov]; Repko, Mary Frances (EPW) [mary_frances_repko@epw.senate.gov]; Goffman, Joseph (EPW) [Joseph_Goffman@epw.senate.gov]; Freedhoff, Michal (EPW) [Michal_Freedhoff@epw.senate.gov]
Subject: followup/correspondence

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Michal

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Record-keeping/transparency

- Calendars – noted 29 seemingly related FOIA requests, recommendation by EPW Democratic staff to conform with past bipartisan EPA transparency measures on calendar publication for EPA Administrator and other confirmed officials in lieu of just providing calendars to Senators/FOIA. [Link](#) to Reagan Administration EPA policy that published calendars weekly.

- Transition/political appointees – respond to requested information. This request, which has forward-looking submittals associated with future political appointees, may also capture some other pending letters and requests on Tate Bennett (3 seemingly related FOIA requests) and Nancy Beck (24 seemingly related FOIA requests).
- FOIA list – request to either provide us with a more effective way to search the FOIA database to yield the information requested, or provide monthly lists as requested
- EXPECTED DATE:

CPP EO

- Response under review (many FOIAs on CPP but unclear what overlap exists in terms of requested materials)
- EXPECTED DATE:

Tate Bennett ethics

- May also be partially responded to by broader response to record-keeping/transparency request
- 3 seemingly related FOIA requests
- EXPECTED DATE:

ICR

- Requested answers to questions/information asked for
- EXPECTED DATE:

BOSC

- Some attachments in draft response which is under review, but not clear if all requested material
- Some answers not known (all BOSC members have to re-apply, not known which won't be reappointed)
- BOSC likely to meet in November rather than August
- EXPECTED DATE: Ex. 5 - Deliberative Process

OK GOP Gala

- Confirm that no additional political events have been agreed to (email confirmation fine)

HONEST Act

- Awaiting guidance from OGC
- EXPECTED DATE:

Michal Ilana Freedhoff, Ph.D.

Director of Oversight

Committee on Environment and Public Works Democratic Staff

Message

From: McCormack, Brian [Brian.Mccormack@hq.doe.gov]
Sent: 6/19/2017 8:44:37 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: do you have 2 mins to talk re: an EPA/DOE issue on cpp ...

Office number is 202.586.2801

Cell is: Ex. 6 - Personal Privacy

From: Greaves, Holly [greaves.holly@epa.gov]
Sent: 6/15/2017 12:26:49 AM
To: Jackson, Ryan [jackson.ryan@epa.gov]
CC: Lyons, Troy [lyons.troy@epa.gov]
Subject: RE: E&E News: Inhofe, Mullin praise EPA safety regs delay, 6/14/17
Attachments:

Ex. 5 - Deliberative Process

To clarify – I asked for them by 10:00 pm tonight, so I would have everything ready by tomorrow morning.

I just left you a voicemail – happy to hand deliver these to Pruitt/to his security detail as I think he is at dinner.

Alternatively, I have attached soft copies of all the updates we have here. Note, still waiting for a few more updates that I will get by 10:00.

From: Jackson, Ryan
Sent: Wednesday, June 14, 2017 8:15 PM
To: Greaves, Holly <greaves.holly@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>
Subject: RE: E&E News: Inhofe, Mullin praise EPA safety regs delay, 6/14/17

That's way too late. We have to leave by 10:30 and he will not really reference the sheets at the hearing.

From: Greaves, Holly
Sent: Wednesday, June 14, 2017 8:14 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>
Subject: Re: E&E News: Inhofe, Mullin praise EPA safety regs delay, 6/14/17

I'm sorry Ryan, Im still waiting for a few things from the senior advisors and have asked for it by 10:00.

I didn't realize that we were giving him the new notes tonight, I thought they were for my binder so I could pass him the streamlined factsheets in the hearing. That's my mistake, I'm so sorry.

Sent from my iPhone

On Jun 14, 2017, at 8:11 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

So Pruitt left tonight without the new notes from today's prep. I think tomorrow morning will be really tight for him to review the changes but it is what it is. Please be sure we have the material for in the morning of edits to sheets based on his preparation this morning.

From: Greaves, Holly
Sent: Wednesday, June 14, 2017 2:43 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Lyons, Troy

<lyons.troy@epa.gov>

Subject: RE: E&E News: Inhofe, Mullin praise EPA safety regs delay, 6/14/17

Brittany provided yesterday – thank you!

From: Jackson, Ryan

Sent: Wednesday, June 14, 2017 1:37 PM

To: Bolen, Brittany <bolen.brittany@epa.gov>; Greaves, Holly <greaves.holly@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>

Subject: FW: E&E News: Inhofe, Mullin praise EPA safety regs delay, 6/14/17

We do need a page on this.

From: McGonagle, Kevin

Sent: Wednesday, June 14, 2017 1:12 PM

To: AO OPA OMR CLIPS <Ex. 6 - Personal Privacy>

Subject: E&E News: Inhofe, Mullin praise EPA safety regs delay, 6/14/17

E&E News

<https://www.eenews.net/greenwire/2017/06/14/stories/1060056025>

Inhofe, Mullin praise EPA safety regs delay

By Cecelia Smith-Schoenwalder 6/14/17

Two Republican Oklahoma lawmakers, Sen. Jim Inhofe and Rep. Markwayne Mullin, yesterday praised U.S. EPA's nearly two-year delay of chemical safety regulations.

Risk Management Plan rule changes from the Obama administration were intended to strengthen emergency preparedness requirements, but the lawmakers argued they would do the opposite.

"The RMP rule is excessive and would actually make our chemical facilities less safe by oversharing sensitive information with anybody who asks for it, including bad actors," Mullin, a member of the House Energy and Commerce Committee, said in a statement.

The Obama administration proposed the requirements after a 2013 chemical fire at a Texas fertilizer facility killed 15 people. The new rules were originally scheduled to take effect in March, but that month EPA proposed to delay their implementation until Feb. 19, 2019.

At an April hearing on the proposed delay, industry officials said current regulations are satisfactory (Greenwire, April 19). EPA Administrator Scott Pruitt on Monday signed the final rule implementing the delay, saying the agency needs more time to review the public comments and consider other issues that may need public input (E&E News PM, June 12).

"The RMP rule is duplicative and therefore its delay will not affect the existing regulations that keep our facilities safe," said Inhofe, who serves on the Senate Environment and Public Works Committee. "I applaud the administration's decision and look forward to EPA's continued efforts in reassessing this unnecessary rule."

Kevin McGonagle
Office of Media Relations Intern

U.S. Environmental Protection Agency

Telephone: (202)-564-4524

mcgonagle.kevin@epa.gov

Accomplishing Reg Reform

Q. With significant staffing cuts, how are you planning to accomplish the regulatory reforms you have planned? Specifically, how will EPA implement the 2 for 1 rule, given that EPA is reported to be the most active regulator in terms of cost by OIRA?

A.

-
-
-
-

Ex. 5 - Deliberative Process

Message

From: Bennett, Tate [Bennett.Tate@epa.gov]
Sent: 6/14/2017 9:24:04 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]; Greenwalt, Sarah [greenwalt.sarah@epa.gov]
Subject: Just saw this- NC withdraws from WOTUS suit.

<http://www.nsjonline.com/article/2017/04/in-quiet-move-cooper-administration-retreats-from-waters-of-the-u-s-lawsuit>

Cooper administration officials pointed to those recent orders as motivation for pulling out of both the Clean Power Plan litigation in February and the Clean Water Rule litigation this month.

"The N.C. Department of Environmental Quality felt it prudent to withdraw from this case because the EPA has announced its intention to rescind or revise the rule," said NCDEQ spokesperson Jamie Kritzer.

But opponents say the move, which was not publicized like the Clean Power Plan change, sends the wrong message.

"If the rule was dead and buried, then lawsuits might not be necessary," said Commissioner Steve Troxler, head of the N.C. Department of Agriculture. "But until then, I don't think North Carolina should back off of fighting something we know is bad for our farmers."

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

Message

From: Bowman, Liz [Bowman.Liz@epa.gov]
Sent: 6/13/2017 9:30:07 PM
To: Schwab, Justin [schwab.justin@epa.gov]; Fotouhi, David [fotouhi.david@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]
CC: Wilcox, Jahan [wilcox.jahan@epa.gov]
Subject: FW: q on CPP rollback & endangerment finding

Sorry, need help here – can one of you talk on background to this reporter about this issue? Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thank you – Liz

From: Davenport, Coral [mailto:coral.davenport@nytimes.com]
Sent: Tuesday, June 13, 2017 5:24 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Cc: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Re: q on CPP rollback & endangerment finding

Got it - I don't need a quote from you. Don't really need the direct quote from him. Just want to be able to say that this is the legal strategy he intends to pursue.

When we sat down, Pruitt said that his legal strategy on the endangerment finding is as follows: The Obama administration's endangerment finding concluded that CO2 emissions from moving sources -- eg, vehicles -- endanger human health. This created a legal requirement to regulate CO2 emissions from vehicles.

The Obama administration then extrapolated from this that the finding should also apply to stationery sources -- eg power plants. Pruitt said, when we met, that he intends to argue that, since there was not a separate endangerment finding for stationary sources, then there is not a legal requirement to regulate CO2 from stationary sources. His argument is that they essentially piggybacked the stationary source regulations off the moving sources endangerment finding. But that in fact in order to justify the stationary source rule they would need a separate finding for stationary sources -- which they don't have. Thus, he plans to argue that, while there is a legal foundation for regulating CO2 from vehicles -- the moving source endangerment finding -- there is **not** a legal foundation for regulating CO2 from stationary sources.

This is my understanding of his strategy based on the notes I took when he explained it. Would be happy -- would even welcome -- talking to a member of the legal team to make sure we're all square on my understanding and description of this. Again, don't need quotes, just want to be able to describe the expected strategy.

Would that work?

Cheers,

cd

From: Davenport, Coral [mailto:coral.davenport@nytimes.com]

Sent: Tuesday, June 13, 2017 4:59 PM

To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>

Subject: Re: q on CPP rollback & endangerment finding

Hey, guys,

Just checking in on this. Cld one of you give a call?

Cheers,

Coral

On Mon, Jun 12, 2017 at 12:29 PM, Davenport, Coral <coral.davenport@nytimes.com> wrote:

When I sat down w. Pruitt, he talked about one piece of his strategy for rolling back CPP w.out challenging endangerment finding -- the idea that the actual 09 endangerment finding applied to vehicles and not stationary sources. Obama admin. drew the link from vehicles to stationary sources, but his point was that to legally require regs on stationary sources that there wld need to be a separate endangerment finding for stationary sources, which there is not.

I haven't written about that since the intvu was OTR, but would you guys be OK with it if I do? I see EPA has sent review of CPP to OIRA. Cld you share it? Is that strategy part of the review? Wld love to do a story laying out the admin's case on this.

Cheers,

cd

--
Coral Davenport

Energy and Environment Correspondent

The New York Times

Washington Bureau

1627 I St. NW, Suite 700

Washington, DC 20006

coral.davenport@nytimes.com

Ex. 6 - Personal Privacy

Twitter @CoralMDavenport

--
Coral Davenport

Energy and Environment Correspondent

The New York Times

Washington Bureau

1627 I St. NW, Suite 700

Washington, DC 20006

coral.davenport@nytimes.com

O [202-862-0359](tel:202-862-0359)

C [703-618-0645](tel:703-618-0645)

Twitter @CoralMDavenport

--
Coral Davenport
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Washington, DC 20006
coral.davenport@nytimes.com
O 202-862-0359
C 703-618-0645
Twitter @CoralMDavenport

From: Bolen, Brittany [bolen.brittany@epa.gov]
Sent: 6/12/2017 4:28:50 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: FYI
Attachments: June2017-Reg calendar.docx

I am working to update the attached calendar as well. Also, here is a list of rules currently under OMB review. We will have the RVOs cleared this week. The two TSCA rules will be next week, per the statutory deadline. We're working through some RIA issues with the landfill rules.

Environmental Protection Agency

AGENCY: EPA-OAR **RIN:** 2060-AT04 **Status:** Pending Review
TITLE: Renewable Fuel Volume Standards for 2018 and Biomass Based Diesel Volume (BBD) for 2019
STAGE: Proposed Rule **ECONOMICALLY SIGNIFICANT:** Yes
RECEIVED DATE: 05/11/2017 **LEGAL DEADLINE:** None

AGENCY: EPA-OAR **RIN:** 2060-AT60 **Status:** Pending Review
TITLE: Extension of Stay of Standards of Performance for Municipal Solid Waste Landfills and Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills
STAGE: Proposed Rule **ECONOMICALLY SIGNIFICANT:** No
RECEIVED DATE: 05/26/2017 **LEGAL DEADLINE:** None

AGENCY: EPA-OAR **RIN:** 2060-AT64 **Status:** Pending Review
TITLE: Stay of Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills
STAGE: Proposed Rule **ECONOMICALLY SIGNIFICANT:** No
RECEIVED DATE: 05/26/2017 **LEGAL DEADLINE:** None

AGENCY: EPA-OAR **RIN:** 2060-AT55 **Status:** Pending Review
TITLE: Review of the Clean Power Plan
STAGE: Proposed Rule **ECONOMICALLY SIGNIFICANT:** Yes
RECEIVED DATE: 06/08/2017 **LEGAL DEADLINE:** None

AGENCY: EPA-OCSP **RIN:** 2070-AK23 **Status:** Pending Review
TITLE: Procedures for Prioritization of Chemicals for Risk Evaluation Under the Toxic Substances Control Act
STAGE: Final Rule **ECONOMICALLY SIGNIFICANT:** No
RECEIVED DATE: 05/23/2017 **LEGAL DEADLINE:** None

AGENCY: EPA-OCSP **RIN:** 2070-AK20 **Status:** Pending Review
TITLE: Procedures for Evaluating Existing Chemical Risks Under the Toxic Substances Control Act
STAGE: Final Rule **ECONOMICALLY SIGNIFICANT:** No
RECEIVED DATE: 06/01/2017 **LEGAL DEADLINE:** Statutory

AGENCY: EPA-OLEM **RIN:** 2050-ZA10 **Status:** Pending Review
TITLE: Coal Combustion Residuals (CCR) State Permit Program Guidance Document
STAGE: Notice **ECONOMICALLY SIGNIFICANT:** No
RECEIVED DATE: 05/25/2017 **LEGAL DEADLINE:** None

AGENCY: EPA-OW **RIN:** 2040-AF74 **Status:** Pending Review

TITLE: Definition of "Waters of the United States" - Recodification of Preexisting Rules

STAGE: Proposed Rule

ECONOMICALLY SIGNIFICANT: No

RECEIVED DATE: 05/02/2017

LEGAL DEADLINE: None

Brittany Bolen

Deputy Associate Administrator, Office of Policy

U.S. Environmental Protection Agency

(202) 564-3291

Bolen.Brittany@epa.gov

DOCUMENT ED_0011318_00010458 IS BEING WITHHELD IN FULL PURSUANT TO
FOIA EXEMPTION 5, DELIBERATIVE PROCESS

Message

From: Bowman, Liz [Bowman.Liz@epa.gov]
Sent: 6/8/2017 2:10:45 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Schwab, Justin [schwab.justin@epa.gov]
CC: Graham, Amy [graham.amy@epa.gov]
Subject: NEWS RELEASE -- CPP repeal at OMB?

Hi Ryan – Brittany informed me last night that we expect our proposed repeal of CPP to be posted to OMB's website today.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thank you – Liz

Liz Bowman
U.S. Environmental Protection Agency (EPA)
Office: 202-564-3293

Message

From: Hupp, Sydney [hupp.sydney@epa.gov]
Sent: 6/5/2017 12:49:17 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: RE:

I put it on there from 1-3 but FYI, ECOS will be in the green room all day on the 18th.

Sydney Hupp
Executive Scheduler
Office of the Administrator
Ex. 6 - Personal Privacy (C)

-----Original Message-----

From: Jackson, Ryan
Sent: Sunday, June 4, 2017 4:18 PM
To: Hupp, Sydney <hupp.sydney@epa.gov>
Subject:

Please put a placeholder on July 18 for state regulator stakeholder meeting re CPP.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6 - Personal Privacy

From: **Ex. 7 - Law Enforcement**
Sent: 6/1/2017 10:33:36 AM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Re: Morning Energy: Trump's final Paris decision comes today at 3 p.m. — States, cities look at filling climate void — Dakota Access begins shipping today

Got it

V/r,

Ex. 7 - Law Enforcement

U.S. Environmental Protection Agency |
Protective Service Detail |

Ex. 7 - Law Enforcement | www.epa.gov

Ex. 6 - Personal Privacy



CONFIDENTIALITY NOTICE: This message and any attachments is from a Federal Law Enforcement Officer of the U.S. Environmental Protection Agency, Protective Service Detail which may contain **CONFIDENTIAL** and legally protected information. It is intended exclusively for the individual(s) or entity(s) to whom or to which it is addressed. This communication may contain information that is proprietary, privileged, or confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy, or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by email and delete all copies of the message.

On Jun 1, 2017, at 5:59 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Well so here's the deal. 3pm.

We'll need to block 2 to 4 for this I think and have him over there before the 3pm. I'll gather more info on specifics.

I guess we are getting the final rose at the boardroom scene at 3. Something like that.

Ryan Jackson
Chief of Staff
U.S. EPA

Begin forwarded message:

From: "POLITICO Pro Energy" <politicoemail@politicopro.com>
Date: June 1, 2017 at 5:44:40 AM EDT
To: <jackson.ryan@epa.gov>
Subject: Morning Energy: Trump's final Paris decision comes today at 3 p.m. — States, cities look at filling climate void — Dakota Access begins shipping today
Reply-To: "POLITICO subscriptions" <reply-fe901276736d067d77-630326_HTML-786581600-1376319-0@politicoemail.com>

By Anthony Adragna | 06/01/2017 05:42 AM EDT

With help from Esther Whieldon

DECISION DAY: In a scene that could come straight from reality TV, President Donald Trump today will announce his decision on whether to abandon the 2015 landmark Paris climate agreement today at 3 p.m. in the Rose Garden, he tweeted Wednesday night. Withdrawing from the pact would honor his campaign pledge to "cancel" the deal, but go against the wishes of vast swathes of the U.S. business community, many of his own aides and the international community. Three officials tell POLITICO's Andrew Restuccia and Josh Dawsey that Trump plans to pull out of the deal, though they noted he could still change his mind at the last minute.

Trump's decision comes after months of internal clashes between Trump's warring factions of advisers spilled into the open with a rush of leaks Wednesday, Andrew and Josh report. And if Trump follows through and withdraws, as expected, opponents of the agreement will have to thank the months-long effort by White House strategist Steve Bannon and EPA Administrator Scott Pruitt to play to his populist instincts and publicly push the narrative the accord was effectively dead. One White House official said the president's team was furiously working on an announcement of the withdrawal on Wednesday.

Some aides were still clinging to hope late Wednesday that Trump may change course and stay in the deal, while drastically scaling back the Obama administration's non-binding carbon cleanup promises, in line with a plan they had previously pushed. Trump had not officially told his entire team of senior aides he was considering leaving the agreement Wednesday when news leaked out, and administration officials cautioned against definitive reporting, warning that the president is notoriously fickle.

Takeaway from one former U.S. official: "Will global leaders trust the U.S. to negotiate a climate treaty ever again? After Kyoto and Paris, who will trust us to keep our word as a nation? Our credibility is gone."

Meanwhile, cities and states aren't waiting: Talks are just getting off the ground but several states, municipalities, and business leaders are in early discussions to create a carbon reduction agreement to replace the cuts that Trump is expected to eliminate, Pro's Eric Wolff reports. Potentially modeled after the

"Nationally Determined Contributions" nations submitted to join the Paris agreement, the possible reduction pledge would help show the international community that climate action continues in the U.S. "It is really important to the international community to understand to avoid a knock-on effect of U.S. withdrawal on the actions of other countries," a source working to facilitate the conversations told Eric. Meanwhile, a group of West Coast Democratic lawmakers urged the governors of California, Washington and Oregon to keep pursuing climate policies to "send a signal" to the international community absent federal action.

California not pleased: Gov. Jerry Brown didn't mince words in calling Trump's intent to withdraw from the Paris accord "outrageous" while predicting its effects would be short-lived, POLITICO California's David Siders reports. "I think Trump, paradoxically, is giving climate denial such a bad name that he's actually building the very movement that he is [purporting] to undermine," Brown said in an interview. "You can't fight reality with a tweet."

More European reverberations: European Commission President Jean-Claude Juncker warned Trump about the consequences of following through on withdrawing from the Paris deal, POLITICO Europe's Kalina Oroschakoff reports. "I am a trans-Atlanticist, but if the American president said in the next hours or days that he wants to get out of the Paris climate deal, then it is the duty of Europe to say, 'No, that's not how it works,'" Juncker said at an event in Berlin. "Eighty-three countries run into danger of disappearing from the surface of the Earth if we don't resolutely start the fight against climate change."

Clinton weighs in too: Trump's election rival, Hillary Clinton, said it would be "really stupid" and "totally incomprehensible" to squander the economic opportunities that arise from addressing climate change if the administration withdraws from the pact. "The President is a very impulsive, reactive personality," she said at the Code Conference in California. "So if we all like the Paris Agreement, he may decide to get out of it. Not even understanding one bit about what that means."

But it's worth taking a step back to remember that regardless of the fate of Paris, Trump has been busy chipping away at Obama's climate policies. Your Pro Energy team looks at all the ways he's already taken shots at Obama's green legacy here.

Carper invokes Exxon vote: Top Senate EPW Democrat Tom Carper urged Trump to look at the fact that more than 62 percent of Exxon Mobil shareholders on Wednesday called for the company to assess how climate change and global efforts to limit temperature increases will affect its business as he mulls the fate of the Paris deal. "President Trump should take note of what happened today as he decides the fate of our country's participation in the Paris Climate Agreement," he said in a statement. "We should seize the economic opportunities that come from combating climate change, not cede our role as a global leader."

Greens gather today: Environmental groups, including 350.org, Sierra Club, Natural Resources Defense Council, Peoples Climate Movement, NextGen Climate and the Center for American Progress Action Fund, are holding a rally outside the White House today at 5 p.m. in support of the Paris accord. The Sierra

Club said more than 20,000 people have already called the White House to voice their opposition to withdrawal.

WELCOME TO THURSDAY! I'm your host Anthony Adragna, and congrats to Van Ness Feldman's Jonathan Simon for being first out of the box to correctly guess there are six non-voting members of the House (D.C., Guam, Puerto Rico, U.S. Virgin Islands, Northern Mariana Islands and American Samoa). For today: Who was D.C.'s first modern delegate in Congress? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter [@AnthonyAdragna](https://twitter.com/AnthonyAdragna), [@Morning_Energy](https://twitter.com/Morning_Energy), and [@POLITICOPro](https://twitter.com/POLITICOPro).

CATANZARO GIVEN ETHICS WAIVER: The White House has granted an ethics waiver for energy aide Mike Catanzaro, a former partner at CGCN Group LLC, to participate in matters related to EPA's Clean Power Plan, waters of the U.S. rule and methane regulations. His past clients include Devon Energy, an Oklahoma oil and gas company close to Pruitt, and he has lobbied on behalf of the American Fuel and Petrochemical Manufacturers and the American Chemistry Council, among others. Catanzaro's is one of more than a dozen waivers quietly released Wednesday night after a dust up between the Office of Government Ethics and White House, which initially refused to disclose them.

DAKOTA ACCESS BEGINS SHIPPING TODAY: The hotly-contested Dakota Access pipeline is expected to begin shipping North Dakota oil today to a distribution point in Illinois, the Associated Press reports. That comes even as the North Dakota Public Service Commission plans to look later this summer at whether the pipeline's developer, Energy Transfer Partners, violated state rules during its construction.

GROUP SEEKS REVIEW OF HARLEY SETTLEMENT: The free-market Cause of Action Institute is taking aim at a settlement the Obama administration reached with Harley-Davidson over after-market "super tuner" devices the company sold to boost motorcycles' performance that allegedly led to Clean Air Act Violations. The August 2016 settlement with EPA required the motorcycle manufacturer to fund a program to replace or retrofit wood-burning stoves with cleaner appliances. But Cause of Action says that approach violates the agency's own guidance, and the group says Pruitt ought to take another look at the settlement. "EPA is overstepping its authority by requiring Harley-Davidson to implement an emissions mitigation project that lacks such a sufficient nexus to the underlying violation," the group wrote today in a letter to Pruitt, along with a FOIA request for documents related to the settlement negotiations.

ORDER AIMS AT BOOSTING ALASKAN ENERGY PRODUCTION: Interior Secretary Ryan Zinke signed an order Wednesday calling for a review of opportunities to increase oil drilling in Alaska. He directed Interior to examine whether oil production can increase in the National Petroleum Reserve in Alaska and assess how much oil and gas could be extracted from a piece of the Arctic National Wildlife Refuge, Pro's Ben Lefebvre reports. Officials have 31 days to develop a plan to implement his order. Zinke signed the order following a speech at an Alaska Oil and Gas Association conference in Anchorage. "Rules should be based on science and best practice not on arbitrariness," he said.

Alaska's congressional delegation hailed the move. "This Secretarial Order is exactly the type of announcement that so many Alaskans have been asking for: a smart, timely step to restore access to our lands, throughput to our Trans-Alaska Pipeline, and growth to our economy under reasonable regulations that do not sacrifice environmental protections," Senate Energy Chairman Lisa Murkowski said in a statement.

As for Paris, Zinke sidestepped a question on the climate change agreement that's on everyone's mind this week. Zinke told reporters in Alaska that he has "yet to read what the actual Paris agreement is," and declined to weigh in without having a chance to "sit down and read" it, the Associated Press reports.

RUSSIA LATEST COMPLICATION IN FILLING VACANCIES: Some potential federal appointees are having second thoughts about executive branch appointments given the ongoing investigations into the Trump campaign's ties with Russia, POLITICO's Andrew Restuccia and Josh Dawsey report. "You're going to have a situation where they're going to have trouble getting A-list or even B-list people to sign up," one lawyer advising potential appointees said. The administration has announced nominees for just 117 of the 559 most-important Senate-confirmed positions.

CASSIDY DOWNPLAYS PROPOSED EPA CUTS: Louisiana Sen. Bill Cassidy told attendees of a Covington, La. town hall meeting Tuesday that "EPA is not being dismantled" despite Trump's proposed cut of one-third of the agency's budget and efforts to roll back landmark Obama-era regulations addressing climate change and water quality, among other issues. "Certainly there are regulations being rolled back," Cassidy said. "But the Clean Water Act is still in place. There will not be mercury spewing out. All those regulations are still in place." (h/t Pro Health Care's Jennifer Haberkorn)

PERRY'S MOVE TOWARD JAPAN: Energy Secretary Rick Perry kicks off a week-long trip to Asia today. He'll stop in Japan and China. Stops include a trip to the Fukushima Daiichi nuclear site where Perry will look at efforts to recover from the 2011 earthquake and participation in the 8th Annual Clean Energy and Mission Innovation Ministerials in Beijing where energy ministers from around the world discuss clean energy efforts.

EPA BOOSTS EAST CHICAGO EFFORTS: Fresh off a visit to the East Chicago, Ind., Superfund site, Pruitt ordered a dedicated community coordinator deployed to the area of the contaminated site and vowed the agency would monthly community meetings to provide updates on cleanup progress. "We will take a more hands-on approach to ensure proper oversight and attention to the Superfund program at the highest levels of the agency," he said in a statement. More information is available here.

ZINKE TO FOCUS ON FOREST FIRES FRIDAY: Zinke and Agriculture Secretary Sonny Perdue will spend Friday in Boise, Idaho — the home of the National Interagency Fire Center — where the two will likely talk about forest fires and prevention techniques. The secretaries will also speak at Boise State University in the morning.

WATCHDOG QUESTIONS IF TILLERSON VIOLATED ETHICS

PLEDGE: A nonprofit watchdog group launched to track the Trump administration's activities is questioning whether Secretary of State Rex Tillerson violated his ethics pledge. The group, American Oversight, is raising questions over reports Tillerson appeared at a signing ceremony between his former employer, Exxon Mobil, and the Saudi Basic Industries Corporation concerning a proposed petrochemical complex slated for Texas. American Oversight filed FOIA requests seeking any guidance or waivers issued to Tillerson regarding the signing ceremony, as well as photos of the event and his calendar. Tillerson pledged during his confirmation process not to participate in any matters related to Exxon for one year.

MAIL CALL! STRENGTHEN ENVIRONMENTAL JUSTICE PROGRAM:

Democratic Reps. Donald McEachin, Nanette Diaz Barragán and Pramila Jayapal released a letter to Pruitt urging him to build upon and strengthen EPA's environmental justice program. "We must act on climate change, recognizing that frontline communities have continually been most impacted by the effects of climate change," the letter, signed by 43 other congressmen, said. Their calls are likely to fall on deaf ears, though, given Trump's budget zeroed out the program.

MOVE THOSE FERC NOMS ALONG: The U.S. Chamber of Commerce sent a letter to the top Republican and Democrat on the Senate Energy Committee Wednesday, urging them to swiftly advance the nominations Robert Powelson and Neil Chatterjee for open slots on the quorumless FERC. "Mr. Powelson and Mr. Chatterjee have demonstrated a solid grasp on the subject matter within FERC's overview and have a demonstrated record of advocating policy over partisanship," Neil Bradley, chief policy officer for the Chamber, wrote.

PERRIELLO NABS McKIBBEN ENDORSEMENT: Two weeks ahead of the Virginia gubernatorial primary election, Tom Perriello picked up the endorsement of prominent environmentalist Bill McKibben on Wednesday. "Tom Perriello, for the first time in Virginia's political history, has stood up to Dominion Energy," McKibben said. "That's a smart move — what the politically connected utility wants to do is lock the Commonwealth into a future of pipelines and power plants, even as the energy landscape is changing fast in the direction of renewables."

NEEDS IMPROVEMENT: EPA needs to do better at tracking spending on contracts and grants to small businesses to develop and commercialize innovative technologies, GAO said in a report released Wednesday.

EDF PLANS CHALLENGE TO PRUITT METHANE ACTION: Joining the Natural Resources Defense Council, the Environmental Defense Fund announced Wednesday it would challenge Pruitt's decision to stay additional components of the agency's 2016 rule setting methane emissions limits for new oil and gas industry sources. "Colorado, Wyoming and Ohio, already have similar protections in place, which demonstrate the reasonableness of these clean air measures," Peter Zalzal, lead attorney for the group, said in a statement.

The American Petroleum Institute praised Pruitt's decision in its own statement. "As demonstrated through previous regulatory efforts, EPA's focus should be on cost-effective regulations that target emissions of volatile organic compounds,

providing the co-benefit of methane emission reductions," the group said in statement.

QUICK HITS

— God 'can take care of' climate change if it's a real problem, congressman says. [MLive](#).

— Lawsuit alleges EPA failed to protect Shenandoah River. [AP](#).

— Trump is deciding on the Paris climate agreement with virtually no science advisers on staff. [Vox](#).

— California, Canada are teaming up to fight climate change — again. [USA Today](#).

— Controversial EPA chief skips Lexington speech, but groups still protest. [Lexington Herald Leader](#).

— EPA sues over tailings near Park City. [Salt Lake Tribune](#).

— Gas May Be Killing the Nuclear Option. [Bloomberg](#).

HAPPENING TODAY

11:30 a.m. — API to release new report on safety, environmental stewardship, and benefits to local communities, RSVP: SammonB@api.org

12:30 p.m. — "[The Political Economy of Forests: REDD+, Good Governance and Land Rights](#)," World Resources Institute, 10 G Street NE, Suite 800

THAT'S ALL FOR ME!

To view online:

<https://www.politicopro.com/tipsheets/morning-energy/2017/06/how-pruitt-bannon-outsmarted-ivanka-on-paris-023090>

Stories from POLITICO Pro

How Bannon and Pruitt boxed in Trump on climate pact [Back](#)

By Andrew Restuccia and Josh Dawsey | 05/31/2017 08:00 PM EDT

Donald Trump's chief strategist and EPA administrator maneuvered for months to get the president to exit the Paris climate accord, shrewdly playing to his populist instincts and publicly pressing the narrative that the nearly 200-nation deal was effectively dead — boxing in the president on one of his highest-profile decisions to date.

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president could be swayed by a global swell of support for the deal from major corporations, U.S. allies, Al Gore and even the pope. But some of that pro-Paris sentiment wound up being surprisingly tepid, according to White House aides who had expected that European leaders would make a stronger case during Trump's trip abroad earlier this month.

Those who want Trump to remain also faced an insurmountable hurdle: The president has long believed, rightly or wrongly, that the U.S. is getting a raw deal under the accord, and it proved nearly impossible to change his mind.

The internal reality show will culminate Thursday when Trump finally announces his decision, after a rush of leaks Wednesday from administration officials saying he was on the verge of pulling the plug on U.S. participation in history's most comprehensive global climate agreement.

"I will be announcing my decision on Paris Accord, Thursday at 3:00 P.M.," Trump tweeted Wednesday night, without revealing the outcome. "The White House Rose Garden. MAKE AMERICA GREAT AGAIN!"

Some White House aides held out the prospect that the president still might take the middle course that Ivanka Trump and others had advocated — staying in the deal while drastically scaling back the Obama administration's non-binding carbon cleanup promises. But three White House officials said Wednesday that they expect Trump to make a clean break by withdrawing from the agreement, though they noted it's possible the president changes his mind at the last minute.

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As the news of the impending decision spread Wednesday, White House chief of staff Reince Priebus began calling and fielding calls from lawmakers, indicating that the U.S. was unlikely to stay in the agreement, one person familiar with the conversations said.

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Pruitt and Bannon's anti-Paris campaign was meant to counter a separate offensive by members of the administration who supported staying in the pact, including Ivanka Trump and her husband, Jared Kushner.

In recent months, Ivanka Trump set up a process in which the president would regularly hear from people who supported remaining in the agreement, according to administration officials.

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Indeed, European officials received a series of mixed messages from Trump's team during the summit. National Economic Council Director Gary Cohn, a Paris supporter and the only U.S. official permitted to attend meetings with G-7 leaders, told reporters that Trump was "evolving" on climate change, which many interpreted to mean that he would remain.

White House officials chalked up Cohn's comments to Trump's habit of echoing the perspective of the last person he talked to. By that time, Bannon and other opponents of the agreement had returned the United States. But Trump's decision to delay a final verdict on the agreement gave Pruitt and Bannon a final opportunity to make their case. Pruitt met with Trump to discuss Paris on Tuesday.

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By Andrew Restuccia and Josh Dawsey | 05/31/2017 08:00 PM EDT

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Trump aides weighing staying in Paris deal, but rejecting Obama pledge

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By Andrew Restuccia | 03/09/2017 03:08 PM EDT

Trump administration officials are considering a plan to remain part of the nearly 200-nation Paris climate change agreement, while weakening former President Barack Obama's pledge to reduce U.S. greenhouse gas emissions, multiple sources told POLITICO.

The plan has not yet won the buy-in of key Trump aides and the president has not signed off. Sources familiar with the plan cautioned that it remains in flux, and could be scuttled by Trump advisers who are critical of the agreement.

But keeping the U.S. in the 2015 Paris pact would be a victory for some in the Trump administration, including the president's daughter Ivanka and his son-in-law Jared Kushner, who have sought to boost the president's green credentials and fear that pulling out would damage relations with key U.S. allies. Many conservatives have been pushing President Donald Trump to withdraw from the deal altogether, as the president himself pledged to do during the campaign.

One way to square those conflicting imperatives would be to reject the pledge Obama offered as part of the 2015 Paris pact — a nonbinding target for reducing the United States' emissions of planet-warming greenhouse gas emissions. That's increasingly seen within the White House as a possible way forward.

Obama had pledged that by 2025 the U.S. would reduce its greenhouse gas emissions by 26 percent to 28 percent below where it was in 2005.

Weakening Obama's pledge would probably frustrate many American allies, who see the United States' commitment to tackling climate change as a bedrock of the Paris agreement. It would also reflect the likelihood that Trump's push to revoke key Obama environmental regulations would make it more difficult to meet the existing target.

George David Banks, a White House senior adviser on international energy and environmental issues, has briefed people outside the administration on the plan in recent days, according to people who have spoken with him.

Banks discussed the plan during a Thursday meeting with about a dozen fossil fuel industry officials, according to people familiar with the closed-door discussion.

Banks did not respond to a request for comment. A White House spokeswoman said, "We have no announcements to make at this time."

It's unclear when the Trump administration will announce a final decision on its approach to Paris. Sources cautioned a verdict may not be made public for weeks or even months, and could hinge on broader energy-related discussions with other countries.

Ivanka Trump and Kushner, a senior adviser to the president, have been strong advocates of staying in the agreement, sources said. And other advisers raised fears that withdrawing altogether would greatly damage U.S. diplomatic relations with other countries.

Trump's appointees are separately taking steps to revoke regulations requiring cuts in greenhouse gas pollution from the nation's power plants, among other rollbacks of Obama-era environmental rules.

Those regulations were the bulwark of Obama's promise that the United States, the world's second-largest carbon polluter, would do its share to address the problem — even though scientists have said steeper cuts are needed to avoid catastrophic harm from climate change.

Trump's advisers have sometimes been at odds over how to approach Paris — and Trump's chief strategist, Steve Bannon, is said to be advocating for withdrawing from the agreement. Bannon's influence with Trump could undercut the proposal to stay in the deal.

Some Trump supporters have even hoped he would pull out from the entire decades-old "framework" of United Nations climate negotiations. Such a step would have been even more extreme than former President George W. Bush's abandonment of the 1997 Kyoto climate accord, which made the U.S. an untrusted figure in international climate circles for years afterward.

To clinch the Paris agreement, the Obama administration had to pull off some tricky diplomatic gymnastics, bringing together rich and poor countries that had disagreed for decades about how to divide the burden of curbing the world's carbon output. The pact, reached in December 2015 after two weeks of negotiations in a Paris suburb, followed months of U.S. pressure on China and India to make their own commitments, despite arguments from the developing world that already-wealthy nations should be doing the lion's share.

Ultimately, the talks were successful because negotiators allowed countries to write their own domestic pledges to tackle climate change, rather than imposing across-the-board mandates to slash emissions.

Those pledges are largely nonbinding, which enabled Obama to avoid a politically disastrous ratification fight in the Senate. But that also makes it easier for Trump to change Obama's pledge.

Even if Obama's target remained in place, scientists and climate activists have warned that the deal won't cut carbon pollution enough to prevent the worst effects of climate change, including rising seas and worsening droughts and storms. Instead, they said, countries would need to steadily escalate their targets.

The agreement calls on countries to aim to limit global warming to "well below" 3.6 degrees Fahrenheit from pre-industrial levels, and it said countries should "pursue efforts" to keep temperature increases to 2.7 degrees Fahrenheit. Under a business-as-usual scenario, global temperatures could rise by 4.7 to 8.6 degrees Fahrenheit by the end of the century, according to scientists, an increase that would have catastrophic consequences for the planet.

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States, cities to boost climate action as Trump's Paris withdrawal looms [Back](#)

By Eric Wolff | 05/31/2017 07:49 PM EDT

Amid news that President Donald Trump is preparing to withdraw the U.S. from the Paris climate agreement, several cities, states and private businesses are hoping to accelerate their efforts to fight climate change and fill any gap left by Washington.

Mayors of New York, Los Angeles and other cities are promising to maintain their own commitments to reduce their cities' carbon dioxide emissions, and New York Gov. Andrew Cuomo responded to Wednesday's leaks from the White House with a new proclamation that he would advance "bold" renewable energy goals.

While governments below the national level cannot officially sign onto the Paris agreement, Trump's expected move to pull out of the 2015 accord signed by 195 countries is prompting them to look for other paths they can follow to contribute to the international effort. Sources tell POLITICO that several states, municipalities, and business leaders are in early discussions to create a carbon reduction agreement that could be called a "Societally Determined Contribution," a name that aims to mimic the "Nationally Determined Contribution" that each of the Paris accord's members submitted.

Liberal states like New York and California have already launched efforts to fight greenhouse gas emissions, and climate change is becoming an issue in Virginia's gubernatorial race. And while questions remain whether states, cities and businesses have the political will and the capacity to make a significant contribution to reducing the pollution blamed for global warming, for climate activists, they offer the best chance to reduce emissions.

"Local governments, corporations, individuals, they're the ones who have made a difference in America, and not the Obama administration," said former New York Mayor Michael Bloomberg, now the U.N. Special Envoy for Cities and Climate change. "I think the danger and the damage that the Trump administration decision to pull out would [have] is more psychological -- it isolates us from the rest of the world, it sends exactly the wrong message."

Former President Barack Obama had pledged under the U.S.' Nationally Determined Contribution to reduce carbon dioxide emissions between 26 percent to 28 percent of 2005 levels by 2025. That promise, though not legally binding, was built on Obama's policies like the Clean Power Plan, which would have shrunk emissions at power plants but is now being unwound by Trump's administration.

Trump tweeted that he'd announce a decision in the "next few days," prompting calls from business heavyweights like Apple's Tim Cook and Tesla's Elon Musk to remain in the global deal, but the local and state leaders are working to develop their plan B to step in for the U.S. on the international climate scene, sources tell POLITICO.

Discussions are still very preliminary, but the participants are trying to come up with a combined carbon reduction from states, cities and businesses to replace the cuts that Trump is expected to eliminate. The structure and operation of the group behind the "SDC" is still unknown, as is the final target, whether it would set a single reduction target for the group or if there will be other clean energy or carbon reduction goals. Developing an agreement would require analysis to determine whether policies like California's carbon price and commitments like Facebook's promise to rely solely on renewable power could be merged, but proponents are hopeful they can find some way to set a target.

"It strikes folks as an obvious thing, a great way to show the international community that there's a lot going on in the U.S." said a source working to facilitate the conversations. "It is really important to the international community to understand to avoid a knock-on effect of U.S. withdrawal on the actions of other countries."

Even without a binding document, states are moving into the space created by the absence of federal action. A group of 18 lawmakers led by Democratic Reps. Earl Blumenauer (Ore.), Jared Huffman (Calif.), and Suzan DelBene (Wash.) sent a letter to Govs. Kate Brown (Ore.), Jerry Brown (Calif.), and Jay Inslee (Wash.), calling for them to act.

"Given the vacuum in climate leadership that has resulted from the election of Donald Trump, our states must continue to form a 'green wall' in the West that will maintain climate leadership in the United States. The Paris Agreement calls for significant reductions in greenhouse gas emissions, and if Donald Trump's administration won't lead, our states must," the lawmakers wrote.

Virginia Gov. Terry McAuliffe enacted a series of policies that will make the commonwealth "trading ready" for a carbon cap-and-trade program, a move seen as a precursor to Virginia's joining the nine-state Regional Greenhouse Gas Initiative. McAuliffe's successor will have to decide whether to take that next step, thrusting the issue into this year's gubernatorial race, where Republican candidates have been critical of his efforts.

To be sure, there may be limits to what the green-minded cities and states can do. California plus the nine states in RGGI comprised less than 14 percent of U.S. emissions in 2014, according to the Energy Information Administration, and they have been working toward decarbonization for years. Meanwhile, Texas, a state with an intensive energy industry and little appetite for carbon action, contributes nearly 12 percent of U.S. emissions on its own.

Pennsylvania and Illinois are the third and fourth biggest emitters among U.S. states, and both states have active coal-mining industries that would likely oppose aggressive state action. Pennsylvania Gov. Tom Wolf, who signed a letter calling on Trump to stay in the Paris agreement earlier this month, made joining RGGI a campaign promise, but has rarely mentioned it since taking office.

Critics of climate change policies say any state efforts are likely to have no effect, except to raise energy prices.

"Climate regulations at the state and local levels will still be all cost and no climate benefit but I would say that if states want to pursue climate policies that's their prerogative," said Nick Loris, an economist at the conservative Heritage Foundation. "There's also a matter of politics. Even a pretty liberal state like Washington couldn't get through an aggressive carbon tax policy because environmental groups didn't like that the money wasn't being spent on green technologies."

But for environmental leaders, like California's Brown, Trump's expected rejection of the Paris pact has only helped make the case for climate action clearer.

"This current departure from reality in Washington will be very short-lived, that I promise you," Brown told POLITICO in an [interview](#). "I've spoken with Republicans here in the legislature, and they're beginning to get very serious about climate action, so the momentum is all the other way. And I think Trump, paradoxically, is giving climate denial such a bad name that he's actually building the very movement that he is [purporting] to undermine."

Helena Bottemiller Evich and David Siders contributed to this report

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Brown: 'The rest of the world is against' Trump [Back](#)

By David Siders | 05/31/2017 04:10 PM EDT

LOS ANGELES — California Gov. Jerry Brown, one of the nation's foremost proponents of efforts to address climate change, on Wednesday called President Donald Trump's planned withdrawal from the Paris climate accord "outrageous," while predicting the effect of the move will be short-lived.

"This current departure from reality in Washington will be very short-lived, that I promise you," Brown told POLITICO in an interview. "I've spoken with Republicans here in the Legislature, and they're beginning to get very serious about climate action, so the momentum is all the other way. And I think Trump, paradoxically, is giving climate denial such a bad name that he's actually building the very movement that he is [purporting] to undermine."

Brown added, "You can't fight reality with a tweet."

News of the president's decision drew ire from Democrats and environmental groups across the country, nowhere more so than in California, where the state Senate hours later passed major climate legislation requiring utilities to obtain 100 percent of their electricity from renewable sources by 2045.

After the vote, state Senate President Pro Tem Kevin de León told reporters that Trump's decision is "distressing" but that California "will forge ahead."

Brown has been harshly critical of Trump on climate policy, but he said last week that he believed the Republican president to be a political "realist" and that progress on the issue might be "not as disastrous as we thought a few months ago."

On Wednesday, Brown said, "I don't think the Trump deviation will stand."

"Yes, he's making this announcement," the governor said. "But the rest of the world is against him. California is against him. New York is against him. We are for sensible, scientifically based climate action. And this is unfortunate, even tragic, but we will overcome it. And through Trump's outrageous action, the contrary movement is galvanized, and we're mobilizing people, states, provinces and working with other countries to move in a direction that is sustainable and is compatible with what we know we must do to survive."

Brown is preparing to travel this week to China, where he will participate in an international climate summit, meet with Chinese officials and rally support for local efforts to counteract the effects of climate change. The fourth-term Democratic governor, a longtime champion of environmental causes, has helped sign more than 170 mostly subnational governments to a nonbinding pact to limit greenhouse gas emissions.

Asked what he would tell Chinese officials about Trump, Brown said, "I don't think I'll have much to say about the president. I'll have a lot to say about California, and I'll have a lot to say about the 170-plus states and provinces that have joined with California in the 'Under 2' initiative."

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All the ways Trump is shredding Obama's climate agenda [Back](#)

By Ben Lefebvre, Esther Whieldon, Darius Dixon, Alex Guillén and Andrew Restuccia | 05/31/2017 04:45 PM EDT

President Donald Trump's expected decision to withdraw the United States from the Paris climate agreement is a huge morale blow to the worldwide effort to head off the worst effects of global warming. But it's just the latest step in his determined campaign to erase Barack Obama's green agenda.

Pulling out of the Paris deal means that the United States — the world's second-largest producer of greenhouse gases — would no longer take part in the most comprehensive international pact ever crafted on climate change, joining Syria and Nicaragua as the only holdouts among nearly 200 nations.

But Trump's domestic environmental efforts will have the most immediate real-world impact on the planet's fate, by halting Obama's attempts to achieve steep cuts in U.S. carbon emissions and shift the country away from fossil fuels. The impact of those regulation rollbacks and other steps could be equivalent to adding almost 2 percent to the world's carbon output by 2025 compared with Obama's targets, based on recent analyses — at a time when climate researchers say the world urgently needs to accelerate its reductions.

This is POLITICO's rundown of the steps Trump has already set in motion:

Lifting limits on coal

— Trump ordered the Environmental Protection Agency to take the **first steps toward repealing Obama's Clean Power Plan**, a suite of curbs on greenhouse gas pollution from thousands of existing power plants. Those restrictions, and a separate regulation on future plants, would have encouraged power companies to shift away from coal.

— The administration lifted **Obama's freeze** on new coal leases on federal land, and **halted the Interior Department's formal environmental review** of coal leasing charges.

— Interior announced it will **repeal an Obama-era rule** that threatened to increase companies' royalty payments for coal, oil and natural gas they extract on federal lands.

— Energy Secretary Rick Perry ordered a 60-day review of tax and regulatory policies that "are responsible for forcing the premature retirement of baseload power plants," language suggesting the report will **criticize federal support for wind and solar power**.

Drill, baby drill

— Trump ordered Interior to **end restrictions on oil drilling in Arctic waters**, and told it to consider opening up the Atlantic coast for drilling.

— He ordered Interior to **rewrite a 2015 rule that called for tighter environmental standards** for fracked oil and gas wells on public lands. He also ordered reviews of a rule on offshore oil well safety, as well as one relating to air quality evaluations for offshore oil and gas drillers.

— He signed a **congressional repeal** of an Interior Department land-use planning update **after fossil fuel companies complained** it would hurt their access to federal lands.

— EPA withdrew a request for information from oil and gas companies about methane emissions from their operations. The Obama administration's request had been seen as an early step toward regulating those sources.

— Trump ordered the Commerce Department to **review all marine sanctuaries** established or expanded in the past 10 years **for possible oil and natural gas drilling opportunities**.

— He **reversed Obama's denial of a permit for the Keystone XL pipeline** and ordered the Army Corps of Engineers to allow final construction on the Dakota Access pipeline. Neither project would have much impact on the climate by itself, but the moves sent a strong signal of the administration's intention to increase fossil fuel production.

Rolling back regulations

— Trump ordered EPA to reopen its review of Obama's tightened automobile emissions standards for model years 2022-2025. The review is the first step toward **relaxing the standards**.

— The administration froze the rollout of several Energy Department **energy efficiency rules**.

— EPA is reviewing whether to continue a 2013 waiver that lets California impose stricter **air pollution limits** regulations than the federal government does on "non-road" diesel engines like bulldozers and tractors.

— EPA is **reviewing several regulations still in litigation**, including rules on mercury from power plants, ozone, wetlands and waterways, pollution from heavy-duty trucks, methane emissions from new oil and gas operations, coal plants' pollution discharges into waterways and refrigerants, plus a rule that would let citizen groups sue power plants that exceed emissions limits during startup, shutdown or malfunction.

Cutting climate and green energy programs

— Trump's 2018 budget request proposed a **31 percent cut to EPA's budget**, which especially **targeted its climate programs**. He also

proposed cutting climate research at other agencies, including Interior's U.S. Geological Survey.

— EPA reassigned employees who had been working on adapting to the effects of climate change.

— Trump called for **eliminating DOE's loan program** and its Advanced Research Projects Agency-Energy, which supports commercially risky technologies aimed at reducing greenhouse gas emissions. The administration also sought **deep cuts to** offices devoted to fossil, nuclear and renewable energy as well as **energy efficiency**.

— DOE placed a hold on funding for nearly two dozen ARPA-E projects. Only three have gotten approval under the Trump administration.

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Exxon shareholders win vote to build Paris climate pact into plans [Back](#)

By Ben Lefebvre | 05/31/2017 02:37 PM EDT

The Trump administration may be preparing to withdraw the U.S. from the Paris climate change accords, but shareholders at Exxon Mobil and at least one other U.S. oil company are demanding the companies incorporate the international deal in their business models.

Nearly two-thirds of Exxon's shareholders backed a proposal on Wednesday calling for the company to assess how climate change and global efforts to limit temperature increases will affect its business. The vote is non-binding, but the results show that the once-fringe idea of linking climate change to big oil's operations has gained momentum.

The vote at the Exxon annual shareholder meeting in Dallas came after investors in its smaller rival Occidental Petroleum earlier this month cast more than two-thirds of their votes for a measure calling for the company to assess how its business would be affected by the Paris climate change accord's target of holding global warming to 2-degrees. Company credit rating agency Moody's said last year it would start to use the Paris pledge to assess financial risk for corporations.

"Shareholders have spoken clearly on climate," said Danielle Fugere, president and chief counsel for As You Sow, a group that helps shareholders introduce environmental proposals. "If there's less demand for oil and the world is awash in

oil, there's going to be more competition among these companies. Shareholders are trying to figure out who is the best bet."

Not all of these climate-related investor proposals succeeded, however. Chevron shareholders Wednesday morning rejected a motion that the company issue a report on how limiting global temperature increase to 2 degrees Celsius (3.6 degrees Fahrenheit) would affect its business. Only 27 percent of voting shareholders approved the proposal, down from more than 40 percent who voted for a similar proposal last year.

Exxon, Chevron and other energy companies facing such proposals argue that they are already taking the Paris agreement seriously and incorporating it into their business plans. Exxon in particular pointed out that it was developing technology that would capture the carbon emitted at natural gas power plants and then either store it or use it to produce more electricity.

"We believe the goal of carbon policy is to reduce emissions at the lowest cost to society," Exxon Chief Executive Darren Woods said at the shareholder meeting. "These goals led us to support the Paris Agreement." Woods sent President Donald Trump a letter earlier this month urging the U.S. to stay in the Paris deal.

For Exxon, the votes also illustrate how entangled the company has become in New York state climate change politics. The climate change proposal shareholders approved was partly sponsored by the New York State Common Retirement Fund, which is run by the State's comptroller. Meanwhile, the company is embroiled in a lawsuit with the New York and Massachusetts attorneys general over whether it withheld its own research on climate change from shareholders.

"The burden is now on Exxon Mobil to respond swiftly and demonstrate that it takes shareholder concerns about climate risk seriously," New York State Comptroller Thomas P. DiNapoli said in a prepared statement after the vote.

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Feds reach settlement with Harley-Davidson over defeat devices [Back](#)

By Alex Guillén | 08/18/2016 12:32 PM EDT

Harley-Davidson riders may have to do a little less freewheel burning after the motorcycle maker agreed to stop selling defeat devices that had EPA spitting flames.

In a lawsuit and settlement announced today, the Justice Department and EPA allege that Harley-Davidson sold 340,000 "super tuners," after-market defeat devices that can be installed on motorcycles to boost their performance. But they also increase emissions of hydrocarbons and nitrogen oxides, which contribute to smog formation.

The company has agreed to buy back and destroy the devices, which it sold at dealerships across the U.S. since 2008. It also will pay a \$12 million civil penalty and spend \$3 million on air quality mitigation projects.

"Given Harley-Davidson's prominence in the industry, this is a very significant step toward our goal of stopping the sale of illegal aftermarket defeat devices that cause harmful pollution on our roads and in our communities," said John Cruden, DOJ's top environmental prosecutor.

The violations were discovered following a "routine" inspection, according to the agencies.

Any tuners Harley-Davidson looks to sell in the future will have to be approved by the California Air Resources Board.

DOJ and EPA also say Harley-Davidson sold more than 12,000 bikes from 2006 to 2008 that were not covered by a key EPA certification. The company agreed to have all future motorcycle models certified by EPA.

The deal is open to a 30-day public comment period and judicial approval.

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Zinke signs order to promote oil drilling in Alaska [Back](#)

By Ben Lefebvre | 05/31/2017 05:27 PM EDT

Interior Secretary Ryan Zinke today signed an order aimed at sparking additional oil development in Alaska.

Interior will review the possibility of increasing oil production in the National Petroleum Reserve in Alaska and to assess how much oil and gas could be extracted from part of the Arctic National Wildlife Refuge.

The order seeks to revise BLM's Integrated Activity Plan to evaluate "efficiently and effectively maximizing the tracts offered for sale during the next NPR-A lease sale."

It also tells officials to come up with a plan to measure undiscovered, technically recoverable oil and natural gas resources of Alaska's North Slope, focusing in part on Section 1002 of the ANWR.

"Working with the Alaska Native community, Interior will identify areas in the NPR-A where responsible energy development makes the most sense and devise a plan to extract resources," Zinke said in a statement. "We will do it in a way that both respects the environment and traditional uses of the land as well as maintains subsistence hunting and fishing access."

Alaskan Republican Sens. [Lisa Murkowski](#) and [Dan Sullivan](#) hailed the move. Both senators have submitted bills this year in an attempt to jump-start energy production in the state.

The U.S Geological Survey in 2010 estimated the NPR-A held about 895 million barrels of economically recoverable oil and 52.8 trillion cubic feet of natural gas. In 1995, then-President Bill Clinton vetoed legislation Congress sent him that called for oil and gas exploration in the 1.5-million-acre [Section 1002](#) of the ANWR.

WHAT'S NEXT: Interior officials have 31 days to come up with a plan to implement Zinke's directive.

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Russia probe scares off potential appointees [Back](#)

By Andrew Restuccia and Josh Dawsey | 05/31/2017 05:05 AM EDT

President Donald Trump's effort to fill hundreds of vacant jobs across the federal government has hit a new snag: Russia.

Potential hires are paying close attention to the expanding investigations, which have now begun to touch senior Trump aides, with some questioning whether they want to join the administration.

Four people who work closely with prospective nominees told POLITICO that some potential hires are having second thoughts about trying to land executive branch appointments as federal and congressional investigations threaten to pose a serious distraction to Trump's agenda.

"It's an additional factor that makes what was an already complicated process of staffing the government even harder," said Max Stier, head of the Partnership for Public Service, which has advised the Trump transition on hiring.

According to the nonpartisan Partnership for Public Service, the White House has announced nominees for just 117 of the 559 most important Senate-confirmed positions.

That trails the records of Presidents Barack Obama and George W. Bush, who had each nominated about twice as many people by this point in the first year of their first terms.

Trump has not yet nominated a No. 2 at the Agriculture Department, Education Department, Department of Veterans Affairs or Environmental Protection Agency, and dozens of top positions at every federal agency remain vacant.

Trump's nominees for deputy secretary of Commerce and Treasury both withdrew.

One lawyer who represents prospective political appointees told POLITICO that three clients said over the past two weeks that they are no longer interested in working for the Trump administration following the appointment of Robert Mueller as special counsel overseeing the federal investigation into Trump associates' contacts with Russian officials during the campaign.

"There's no doubt in my mind that people are being very cautious, to put it mildly," this lawyer said, adding that there is growing concern in Republican circles that the caliber of hires could deteriorate if the administration's top picks drop out.

"You're going to have a situation where they're going to have trouble getting A-list or even B-list people to sign up," the lawyer added.

Others agreed. "With all that is going on now, there is certainly a greater amount of hesitation," said a former government official who regularly speaks with one of Trump's Cabinet secretaries. "They have a real talent problem that continues to grow."

A White House spokeswoman said the Russia investigation and the series of news stories that have pummeled the administration in recent weeks have had no impact on hiring. She said the president is recruiting individuals "of the highest quality."

But the steady stream of palace intrigue stories about internal tensions and plans for a staff shakeup — after months of rumors about various senior officials getting pushed out — are making it harder to persuade people to join the administration, another White House official said.

White House communications director Michael Dubke said Tuesday he will leave his role, while Trump is weighing the possibility of bringing former campaign aides Corey Lewandowski and David Bossie into the White House.

"It's not the best place to work right now, but you're still working at the White House, so there are far worse jobs," the official said.

Former Bush and Obama administration officials who worked on personnel issues told POLITICO they never struggled to find qualified candidates for top jobs.

"I can't speak to Republicans not wanting to join this administration but, as a general matter, we didn't have trouble recruiting people — quite the opposite," said Lisa Brown, who served as White House staff secretary under Obama for two years.

Along with distracting from lower-level hires, the Russia probe has slowed and complicated the process of filling the administration's highest-profile vacancy — director of the FBI.

Trump administration officials have been frustrated by the difficulties they've faced in finding a new FBI director. Top White House officials, including chief of

staff Reince Priebus and chief strategist Steve Bannon, hoped to have made a decision made by now.

Instead, leading candidates Sen. John Cornyn (R-Texas), Rep. Trey Gowdy (R-S.C.) and former Sen. Joe Lieberman have all withdrawn from consideration. The White House is now looking at a new field of candidates, and Trump met with two possibilities — John Pistole and Chris Wray — on Tuesday.

"It's not so easy to find an FBI director in the Trump administration," the White House official said.

The official added that Trump and his senior team are aware that hiring is not moving fast enough at agencies but said that, right now, "It's just not priority No. 1."

A second White House official said he was not aware of any potential nominees dropping out because of the recent news but echoed concerns that the Russia probe would inevitably add to further delays filling empty jobs.

"The problem we are likely to have is it may be difficult to get people to focus on hiring with all of this going on," the official said.

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EPA to reconsider more provisions of oil and gas well emissions rule [Back](#)

By Alex Guillén | 05/31/2017 11:55 AM EDT

EPA today placed a 90-day stay on several additional portions of its 2016 rule setting methane emissions limits for new oil and gas industry sources.

The delay is needed as the agency considers several petitions to reconsider parts of the regulation, EPA said. The agency in April stayed some other portions of the rule, including fugitive emissions requirements, but today's announcement covers other key parts of the regulation.

Two more parts of the rule EPA will now reconsider are standards for well site pneumatic pumps and requirements for closed vent systems to be certified by a professional engineer, according to a Federal Register notice signed by Administrator Scott Pruitt on Friday and running soon.

Those requirements will be placed on hold for 90 days while EPA reviews them, and the agency "intends to look broadly at the entire 2016 Rule," not just the specific portions already identified, according to the notice.

EPA will have to take public comment on any proposed changes to the rule before finalizing them, and could subsequently face litigation.

WHAT'S NEXT: EPA will issue proposed changes to the rule's requirements and take public comment.

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Message

From: Cassady, John M. [John.Cassady@nreca.coop]
Sent: 5/31/2017 10:02:34 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]; Mandy Gunasekara [mandy_gunasekara@epw.senate.gov]
CC: Cromwell, Ted T. [ted.cromwell@nreca.coop]; Johnson, Kirk D. [kirk.johnson@nreca.coop]
Subject: Fwd: Re:
Attachments: Copy of Co-op CEO CPP Availability Summary.xlsx

Here are the 8 names of our CEOs I submitted back in mid May.

Begin Forwarded Message:

From: "Cassady, John M." <John.Cassady@nreca.coop>
Subject: RE: Re:
Date: 16 May 2017 13:44
To: "Jackson, Ryan" <jackson.ryan@epa.gov>

Hi Ryan:

I am finally getting back to you with the names and dates that work for our guys. You will see in the attached spreadsheet that Tuesday, June 20th works the best for our group of CEOs that we recommend for participation in the event. If you were to go with that date, our group would include:

Tony Campbell, East Kentucky
Patrick Ledger, Arizona G&Ts
Pat O'Loughlin, Buckeye Power (Ohio)
Mac McLennan, Minnkota Power (ND/MN)
Paul Sukut, Basin Power (ND)
Mike McInnes, TriState (CO)
Mike Kezar, South Texas
Stuart Lowry, Sunflower (KS)

Please let me know if you need additional information from me. Best, -John C.

From: Jackson, Ryan [mailto:jackson.ryan@epa.gov]
Sent: Friday, May 12, 2017 7:00 PM
To: Cassady, John M.
Cc: Bennett, Tate; john.cassidy@nreca.coop
Subject: Re:

Thanks. Preferably June 19 or 20.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6 - Personal Privacy

On May 12, 2017, at 6:55 PM, Cassady, John M. <John.Cassady@nreca.coop> wrote:

Yes. Will do. It's been a bit like herding cats with some of our folks. Sorry for the delay. Will be back with you soon on this, have a great weekend.

On: 12 May 2017 17:25, "Bennett, Tate" <Bennett.Tate@epa.gov> wrote:

On May 12, 2017, at 5:24 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

John, just follow up on our conversation about utilities and a CCP successor, would you check on the week of June 19?

Much appreciated. I've cc'd Tate who can help with this too.

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency

Ex. 6 - Personal Privacy

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Message

From: Erica N. Peterson [Erica.N.Peterson@wvago.gov]
Sent: 5/24/2017 2:59:46 AM
To: Jackson, Ryan [jackson.ryan@epa.gov]
CC: Elbert Lin [Elbert.Lin@wvago.gov]; Thomas M. Johnson, Jr. [Thomas.M.JohnsonJr@wvago.gov]
Subject: letter from the Attorneys General of West Virginia and 9 other states regarding withdrawal from Paris agreement
Attachments: Letter from West Virginia and 9 states regarding withdrawal from Paris a...-c1.pdf

Mr. Jackson:

Please find attached a copy of a letter from the Attorneys General of West Virginia, Alabama, Arkansas, Kansas, Louisiana, Missouri, Nebraska, South Carolina, Texas, and Wisconsin to the President supporting withdrawal of the United States from the Paris Agreement. The letter was mailed to the White House today.

Sincerely,

Erica N. Peterson
Assistant Attorney General
Office of the West Virginia Attorney General
State Capitol
Building 1, Rm. E-26
Charleston, WV 25305
(304) 558-2021



State of West Virginia
Office of the Attorney General

Patrick Morrissey
Attorney General

(304) 558-2021
Fax (304) 558-0140

May 23, 2017

The Honorable Donald J. Trump
President of the United States
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Re: Communication from the Attorneys General of the States of West Virginia, Alabama, Arkansas, Kansas, Louisiana, Missouri, Nebraska, South Carolina, Texas, and Wisconsin Supporting Withdrawal of the United States from the Paris Agreement

Dear President Trump:

As the chief legal officers of our States, we write to support withdrawing the United States from the agreement of the 2015 United Nations Framework Convention on Climate Change ("Paris Agreement"). Though we believe that the Paris Agreement does not legally require the United States to take any action, we nevertheless believe there are many important reasons for withdrawing formally from the Agreement. Among those reasons are: the potential for legal actions seeking to enforce the Agreement; the use of the Agreement to challenge your Administration's efforts to revise or rescind unlawful or unnecessary regulations issued under President Obama; reliance on the Agreement as an alleged trigger for regulation under Section 115 of the Clean Air Act; and, finally, the critical message that withdrawal sends to Americans who are counting on the regulatory and policy changes you promised to bring to the White House.

Let us be clear at the outset: We do not believe the Paris Agreement legally binds the United States to take any action. As even the prior administration acknowledged, the Paris Agreement is

at most “politically binding.”¹ It has not been ratified by the Senate, as a treaty must be.² Nor is there any other preexisting legal authority that would have allowed President Obama to make the Agreement binding on the United States without Senate approval as a treaty.³

But the Agreement’s non-binding nature does not mean there are no consequences to remaining in or withdrawing from the Agreement. *First*, so long as the United States remains in the Agreement, there is a risk that some individual or organization will attempt to enforce its terms. The recent debate over the meaning of Article 4.11 highlights just one possible provision that could form the basis for such a challenge.⁴ While we do not believe that such an enforcement lawsuit should prevail, we cannot be sure that the judge who might decide such a claim would necessarily rule that way.

Second, participation in the Agreement could be used to challenge your Administration’s welcome efforts to revise or rescind regulations promulgated by President Obama, including the so-called “Clean Power Plan.”⁵ For example, the United States’ reduction of carbon emissions under the Paris Agreement is premised on the Clean Power Plan going into effect.⁶ Advocates of the Clean Power Plan could argue that the United States’ continued commitment to the Paris Agreement makes any effort to revise or rescind the Clean Power Plan arbitrary and capricious. Again, while we do not believe this argument has any merit, it is nevertheless an unnecessary risk of remaining in the Paris Agreement.

Third, a number of environmental law scholars have argued that the involvement of the United States in the Paris Agreement triggers Section 115 of the Clean Air Act, 42 U.S.C. § 7415, which the scholars believe can be used by EPA to force States to reduce carbon dioxide emissions

¹ See, e.g., Demetri Sevastopulo & Pilita Clark, *Paris climate deal will not be a legally binding treaty*, The Financial Times (Nov. 11, 2015), <https://www.ft.com/content/79daf872-8894-11e5-90de-f44762bf9896>; CEI Releases New Report on Serious Economic and Legal Consequences of Remaining in Paris Climate Agreement, Competitive Enterprise Institute (May 3, 2017), <https://cei.org/content/cei-releases-new-report-serious-economic-and-legal-consequences-remaining-paris-climate>; see also Samantha Page, *No, The Paris Climate Agreement Isn’t Binding. Here’s Why That Doesn’t Matter*, ThinkProgress (Dec. 14, 2015), <https://thinkprogress.org/no-the-paris-climate-agreement-isnt-binding-here-s-why-that-doesn-t-matter-62827c72bb04> (arguing that the Paris Agreement’s power comes exclusively from social pressure).

² U.S. Const. art. II, § 2, cl. 2.

³ See Letter from Patrick Morrissey, Att’y Gen. of W. Va. & Ken Paxton, Att’y Gen. of Tx., to Hon. John F. Kerry (Nov. 23, 2015) (attached).

⁴ See, e.g., John Schwartz, *Debate Over Paris Climate Deal Could Turn on a Single Phrase*, The New York Times (May 2, 2017), https://www.nytimes.com/2017/05/02/climate/trump-paris-climate-accord.html?_r=0.

⁵ See Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units, 80 Fed. Reg. 64,661 (Oct. 23, 2015).

⁶ See, e.g., Ben Wolfgang, *Trump’s executive action on Clean Power Plan signals U.S. exit from Paris climate treaty*, The Washington Times (Mar. 27, 2017), <http://www.washingtontimes.com/news/2017/mar/27/paris-climate-treaty-faces-us-exit-after-donald-tr/>; Marianne Lavelle, *Trump Repeal of Climate Rules Means U.S. Paris Target Now Out of Reach*, Inside Climate News (Mar. 20, 2017), <https://insideclimatenews.org/news/20032017/paris-climate-agreement-donald-trump-global-warming-clean-power-plan>; see also *Paris Climate Agreement Crosses Final Threshold*, Nuclear Energy Institute (Oct. 6, 2016), <https://www.nei.org/News-Media/News/News-Archives/Paris-Climate-Agreement-Crosses-Final-Threshold-1> (“A major contributor to meeting th[e] [United States’] goal [in the Paris Agreement] will be the U.S. Environmental Protection Agency’s Clean Power Plan.”).

that affect other countries.⁷ Section 115 (governing “International air pollution”) requires: (1) a finding that “any air pollutant or pollutants emitted in the United States cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare in a foreign country”; and (2) a finding of reciprocity, *i.e.*, the foreign country extends the U.S. “essentially the same rights with respect to the prevention or control of air pollution occurring in that country” as the foreign country enjoys under Section 115. 42 U.S.C. § 7415. These scholars argue that the Paris Agreement fulfills the reciprocity requirement. We disagree, because the Paris Agreement provides the United States no enforceable rights against air pollution occurring in other countries.⁸ Still, this argument illustrates yet another negative consequence of remaining in the Paris Agreement.

Fourth, and finally, withdrawing from the Paris Agreement is an important and necessary step toward reversing the harmful energy policies and unlawful overreach of the Obama era. Like the Clean Power Plan, the Paris Agreement is a symbol of the Obama Administration’s “Washington knows best” approach to governing. Indeed, despite the unprecedented stay by the United States Supreme Court of the Clean Power Plan, President Obama pushed forward with the Paris Agreement, and made the presumptively unlawful Clean Power Plan the linchpin of the United States’ carbon reduction commitment. We applaud your commitment to returning power to the States and the American people, and the steps you have already taken to that end, including your Executive Order to promote energy independence and requiring EPA to review the Clean Power Plan.⁹ We urge you to continue to that much-needed change in policy, which many Americans are counting on, by withdrawing from the Paris Agreement.

* * *

Thank you for your consideration of our concerns. We respect the President’s power and discretion to determine appropriate policies for the United States. But the continued participation of the United States in the Paris Agreement creates significant practical and legal concerns of great importance to our States and our constituents, which we ask you to take into account as you consider whether to remain in or withdraw from the Agreement.

⁷ See Michael Burger et. al, Legal Pathways to Reducing Greenhouse Gas Emissions under Section 115 of the Clean Air Act, available at http://web.law.columbia.edu/sites/default/files/microsites/climate-change/legal_pathways_to_reducing_ghg_emissions_under_section_115_of_the_caa.pdf.

⁸ Nor has there been the requisite endangerment finding. Those who support the use of Section 115 have relied on EPA’s endangerment finding for greenhouse gas emissions from cars issued after *Massachusetts v. EPA*. See, e.g., Bob Sussman, *The essential role of Section 115 of the Clean Air Act in meeting the COP-21 targets*, The Brookings Institution (Apr. 29, 2016), <https://www.brookings.edu/blog/planetpolicy/2016/04/29/the-essential-role-of-section-115-of-the-clean-air-act-in-meeting-the-cop-21-targets/>. But that finding concerned a particular combination of pollutants in a particular context and cannot simply be bootstrapped to meet any and all statutorily mandated endangerment findings. See, e.g., State Pet’rs’ Final Opening Br., *North Dakota et al. v. EPA*, No. 15-1381 (and consolidated cases) 34, ECF 1659341 (D.C. Cir. Feb. 3, 2017) (arguing that EPA failed to meet its statutorily mandated endangerment and significant contribution findings required by Section 111(b) of the Clean Air Act).

⁹ See Presidential Executive Order on Promoting Energy Independence and Economic Growth (Mar. 28, 2017), <https://www.whitehouse.gov/the-press-office/2017/03/28/presidential-executive-order-promoting-energy-independence-and-economy-1>.

Sincerely,



Patrick Morrissey
West Virginia Attorney General



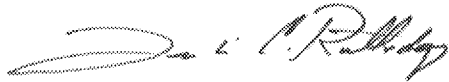
Doug Peterson
Nebraska Attorney General



Steven T. Marshall
Alabama Attorney General



Alan Wilson
South Carolina Attorney General



Leslie Rutledge
Arkansas Attorney General



Ken Paxton
Texas Attorney General



Derek Schmidt
Kansas Attorney General



Brad D. Schimel
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Jeff Landry
Louisiana Attorney General



Josh Hawley
Missouri Attorney General



State of West Virginia
Office of the Attorney General

Patrick Morrissey
Attorney General

(304) 558-2021
Fax (304) 558-0140

November 23, 2015

The Honorable John F. Kerry
Secretary of State
United States Department of State
2201 C Street N.W.
Washington, DC 20520

Re: Communication from the Attorneys General of the States of West Virginia and
Texas Regarding 2015 United Nations Climate Change Conference in Paris

Dear Secretary Kerry:

As the chief legal officers of States leading a court challenge against the President's unlawful CO₂ reduction program—the so-called “Clean Power Plan”¹—we write to convey two points critical to our States with respect to the participation of the United States in the 21st Session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (COP21/CMP11), otherwise known as “Paris 2015.” *First*, we believe you have a duty to acknowledge to negotiating nations at Paris 2015 that the centerpiece of the President's domestic CO₂ reduction program is being challenged in court by a majority of States and will likely be struck down. *Second*, in order to be legally binding, any agreement arising from Paris 2015 must be submitted to the United States Senate for ratification under clear constitutional requirements.

**The President's Commitment To Reduce CO₂ Emissions Is Premised On An
Unlawful Regulation That Is Unlikely To Survive Judicial Review**

The President's representations regarding his Administration's CO₂ emission reduction plans are based on unilateral executive action that is unlikely to be the law for very long. The Power Plan—which was never voted on by Congress—has been under withering scrutiny from both Republicans and Democrats since it was proposed, and the chorus calling for its overturning

¹ See Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units, 80 Fed. Reg. 64,661 (Oct. 23, 2015).

grows by the day. A bipartisan majority of States, including the signatories to this letter, has filed a lawsuit asking the federal court of appeals in Washington, D.C., to put an end to the illegal Power Plan.²

The legal arguments against the Power Plan are strong and numerous. We summarize only three here³:

First, the Power Plan was promulgated by the Environmental Protection Agency (EPA) under Section 111(d) of the Clean Air Act, but it is clear under U.S. Supreme Court case law that the EPA's reliance on that provision is mistaken. EPA's Power Plan seeks to force States to reduce CO₂ emissions by fundamentally reorganizing their energy generation from coal- and fossil fuel-fired generation to renewable energy. But those are indisputably questions of wide-reaching economic and political import, and as our Supreme Court recently said in a ruling against EPA, "[w]hen an agency claims to discover in a long-extant statute an unheralded power to regulate a significant portion of the American economy, we typically greet its announcement with a measure of skepticism."⁴ Congress, the Supreme Court explained, is expected to "speak clearly if it wishes to assign to an agency decisions of vast economic and political significance."⁵ Nothing in Section 111(d) of the Clean Air Act comes close to clearly assigning the EPA—an *environmental* regulator—the power it claims over the nation's energy policy.

Second, even if the EPA were authorized to force States to reorder their energy policy, which it is not, Section 111(d) includes an independent prohibition of the Power Plan. That provision expressly bars the EPA from regulating a source category that is already "regulated under [Section 112]"⁶—a separate section of the Clean Air Act concerning emissions of hazardous air pollutants from certain stationary sources. Because the EPA has already chosen to regulate fossil fuel-fired power plants under Section 112,⁷ it cannot also regulate those same power plants under Section 111(d)—as it is attempting to do under the Power Plan.

Third, the Power Plan raises serious constitutional concerns under the Tenth Amendment to the U.S. Constitution. At its core, the Power Plan will require changes to intrastate energy production. But that is an area over which the States have exclusive authority.⁸ As a result, the States will have no choice under the Power Plan but to take certain actions, which violates the

² See *State of West Virginia, et al. v. EPA*, No. 15-1363 (and consolidated cases) (D.C. Cir.).

³ These and other detailed legal arguments brought against the Clean Power Plan may be found here: <http://www.ago.wv.gov/publicresources/epa/Pages/D-C--Circuit%2c-No--15-1363.aspx>.

⁴ *Util. Air Regulatory Grp. v. EPA*, 134 S. Ct. 2427, 2444 (2014).

⁵ *Id.* (quotations omitted).

⁶ 42 U.S.C. § 7411(d)(1)(A).

⁷ See 77 Fed. Reg. 9,304 (Feb. 16, 2012).

⁸ *Ark. Elec. Coop. Corp. v. Ark. Pub. Serv. Comm'n*, 461 U.S. 375, 377 (1983); *Pac. Gas & Elec. Co. v. State Energy Res. Conservation & Dev. Comm'n*, 461 U.S. 190, 205 (1983); 16 U.S.C. § 824(a).

Tenth Amendment's prohibition on the federal government commandeering the States to carry out federal law.⁹

Any Agreement Arising From Paris 2015 Must Be Submitted To United States Senate For Ratification

We also write to emphasize that any agreement arising from Paris 2015 will be legally non-binding unless it is submitted to and ratified by the U.S. Senate. As you know, the Treaty Clause of the U.S. Constitution requires any treaty to be approved by two-thirds of the Senate.¹⁰ Moreover, treaties are “not domestic law unless Congress has either enacted implementing statutes or the treaty itself conveys an intention that it be ‘self-executing’ and is ratified [by the Senate] on these terms.”¹¹

The ratification process is of special importance to the States, as a lawful treaty takes precedence over all State laws and constitutions.¹² Unlike the U.S. House of Representatives, the Senate represents the States as equals in the federal legislative branch, with two members from each State regardless of population. The involvement of the Senate in the treaty process thus preserves some power for the States, which gave up as part of the Constitution the ability to make treaties.¹³

We understand from recent press reports that the President intends that any Paris 2015 agreement will “not [include] legally binding reduction targets” and thus will “definitely not . . . be a treaty.”¹⁴ We hope this is a candid recognition that the President’s agenda lacks support at home, and is not intended to suggest that the President will instead attempt to ratify a Paris 2015 accord through an executive agreement, as we believe that would be clearly unlawful. The President may only conclude an executive agreement that is authorized by a preexisting treaty, covers matters within his executive power under the Constitution, or is made pursuant to an act of Congress.¹⁵ None of these preconditions are present here. Neither a preexisting treaty nor the Constitution authorizes the President to make an executive agreement mandating domestic CO₂ emission reductions. Nor does the President have authorization under an act of Congress such as the Clean Air Act, as discussed above.

* * *

⁹ *New York v. United States*, 505 U.S. 144 (1992); *Printz v. United States*, 521 U.S. 898 (1997).

¹⁰ U.S. Const. art. II, § 2, cl. 2.

¹¹ *Medellin v. Texas*, 552 U.S. 491, 505 (2008) (internal quotations omitted).

¹² U.S. Const. art. VI, cl. 2.

¹³ U.S. Const. art. I, § 10, cl. 1.

¹⁴ Demetri Sevastopulo & Pilita Clark, *Paris climate deal will not be a legally binding treaty*, The Financial Times (Nov. 11, 2015), <http://www.ft.com/cms/s/0/79daf872-8894-11e5-90de-f44762bf9896.html>.

¹⁵ See Restatement (Third) of Foreign Relations Law § 303 (1987).

Thank you for your consideration of our concerns. We respect the President's power and discretion to negotiate international agreements with foreign nations. But there are significant legal limits on his ability either to carry out the promises he has made in advance of Paris 2015 or to enforce any agreement arising out of the summit. These serious legal questions are of great importance to the States, which under our constitutional system "possess sovereignty concurrent with that of the Federal Government, subject only to limitations imposed by the Supremacy Clause."¹⁶ We expect our federal representatives to respect that system of dual sovereignty both here at home and in negotiations abroad.

Sincerely,



Patrick Morrissey
Attorney General
State of West Virginia



Ken Paxton
Attorney General
State of Texas

cc:

The President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

The Honorable Gina A. McCarthy
Administrator, USEPA Headquarters
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N.W.
Mail Code: 1101A
Washington, DC 20460

The Honorable Mitch McConnell
United States Senate
317 Russell Senate Office Building
Washington, DC 20510-1702

¹⁶ *Gregory v. Ashcroft*, 501 U.S. 452, 457 (1991) (internal quotations omitted).

The Honorable Harry Reid
United States Senate
522 Hart Senate Office Building
Washington, DC 20510

The Honorable Paul Ryan
The Speaker of the House of Representatives
United States Capitol
Washington, DC 20515

The Honorable Nancy Pelosi
233 Cannon HOB
Washington, DC 20515

The Honorable James M. Inhofe
United States Senate EPW Chairman
205 Russell Senate Office Building
Washington, DC 20510-3603

The Honorable Barbara Boxer
United States Senate EPW Ranking Member
112 Hart Senate Office Building
Washington, DC 20510-0505

The Honorable Fred Upton
Energy & Commerce Committee Chairman
United States House of Representatives
2125 Rayburn House Office Building
Washington, DC 20515

The Honorable Frank Pallone, Jr.
Energy & Commerce Committee Ranking Member
United States House of Representatives
237 Cannon HOB
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The Honorable Laurent Fabius
Chair of COP21
French Minister of Foreign Affairs and International Development
Mairie
Le Grand-Quevilly 76120
French Republic

The Honorable Wang Yi
Minister of Foreign Affairs
No. 2, Chaoyangmen Nandajie
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People's Republic of China

The Honorable Dr. Frank-Walter Steinmeier
Federal Foreign Minister
Auswärtiges Amt
Werderscher Markt 1
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Federal Republic of Germany

The Honorable Narendra Modi
Prime Minister of India
South Block
Raisina Hill
New Delhi-110011
Republic of India

The Honorable Prakash Javadekar
Minister of State for Ministry of Environment, Forest & Climate Change
New Paryavaran Bhavan, 4th Floor
Jor Bagh, New Delhi
Republic of India

The Honorable Sergey Lavrov
Acting Minister of Foreign Affairs
Ministry of Foreign Affairs of the Russian Federation
32/34 Smolenskaya-Sennaya Ploshchad
Moscow 119200
Russia

The Honorable Philip Hammond
Secretary of State for Foreign & Commonwealth Affairs
King Charles Street
London, SW1A 2AH
United Kingdom of Great Britain & Northern Ireland

The Honorable Miguel Arias Cañete
European Commissioner for Climate Action and Energy
Rue de la Loi / Wetstraat 200
1049 Brussels
Kingdom of Belgium

The Hon. John F. Kerry

November 23, 2015

Page 7

The Honorable Jos Delbeke

Director General for Climate Action of the European Commission

B-1049 Brussels

Kingdom of Belgium

The Honorable Ban Ki-moon

Secretary General of the United Nations

1st Avenue & 46th Street

New York, NY 10017

From: Tricia Lynn [lynn.tricia@epa.gov]
Sent: 5/23/2017 4:03:49 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: EPA Budget Returns Focus to Core Statutory Mission



CONTACT:
press@epa.gov

FOR IMMEDIATE RELEASE
May 23, 2017

EPA Budget Returns Focus to Core Statutory Mission

WASHINGTON –The proposed Fiscal Year 2018 budget for the U.S. Environmental Protection Agency, announced today, provides \$5.655 billion to help the agency protect human health and the environment. With a 31 percent cut from the FY 2017 Annualized Continuing Resolution, and a 30 percent reduction from the FY 2017 Enacted budget, the President’s budget aims to reduce redundancies and inefficiencies and prioritize EPA’s core statutory mission of providing Americans with clean air, land, and water.

“The President’s budget respects the American taxpayer,” said EPA Administrator Scott Pruitt. “This budget supports EPA’s highest priorities with federal funding for priority work in infrastructure, air and water quality, and ensuring the safety of chemicals in the marketplace.”

DETAILS OF THE FISCAL YEAR 2018 BUDGET PROPOSAL INCLUDE:

Supporting the President’s Focus on the Nation’s Infrastructure

The infrastructure of the nation is not limited to roads and bridges. The infrastructure needs of our communities are broader. They include making improvements to drinking water and waste water infrastructure as well as a focus on cleaning up contaminated land. Efforts in the Superfund and Brownfields programs can lead to tangible benefits for communities: a cleaner environment and the redevelopment of sites back to beneficial or to new economic use, which is important to the economic well-being of communities and provides a new foundation for American greatness.

-- EPA’s support for water infrastructure will be provided under the State Revolving Funds (SRFs) and Water Infrastructure Finance and Innovation Act (WIFIA) program. The FY 2018 budget includes \$2.3 billion for the SRFs and \$20 million for the WIFIA program. The WIFIA requires a small appropriation compared to its potential loan volume, demonstrating respect for the American taxpayer. Under WIFIA, EPA could potentially provide approximately \$1 billion in credit assistance, which would spur an estimated \$2 billion in total infrastructure investment.

-- In FY 2018, the Superfund Remedial program provides \$342 million to support states, local communities and tribes in their efforts to assess and cleanup many of the worst contaminated sites in the United States and return them to productive use. EPA will maximize appropriated dollars by reducing administrative costs, identifying efficiencies, and prioritizing the cleanup of sites where funds are available from existing settlements with responsible parties.

-- In FY 2018, EPA is investing over \$118 million in support for Brownfields to help communities oversee, assess, safely cleanup and redevelop brownfield properties. The cleanup and reuse of contaminated lands often can play a role in economically revitalizing a community.

Improving America's Air Quality

EPA's FY 2018 budget of \$448 million provides funding to better manage and support air quality with stakeholders through common sense standards, guidelines, and grant assistance. The budget focuses on air quality efforts and on making progress toward increased attainment. Most notably, \$100 million is allotted to perform key activities in support of the National Ambient Air Quality Standards (NAAQS). It discontinues funding of the Clean Power Plan, climate change research, and partnership programs. \$139 million in program eliminations and \$95 million in major programmatic changes will reorient the agency efforts in addressing air quality.

Ensuring Clean and Safe Water

EPA is requesting \$83.7 million in drinking water programs to continue to partner with states, drinking water utilities, and other stakeholders to identify and address current and potential sources of drinking water contamination. These efforts are integral to the sustainable infrastructure efforts because source water protection can reduce the need for additional drinking water treatment and associated costs.

The FY 2018 budget includes \$193 million to support work in surface water protection and wetlands programs. EPA will continue to provide scientific water quality criteria information, review and approve state water quality standards, and review and approve state lists of impaired waters. In FY 2018, the agency will continue to work with states and other partners on Total Maximum Daily Loads (TMDLs) as required by the Clean Water Act, as well as on other waterbody restoration plans for listed impaired waterbodies. EPA also will continue to implement and support core water quality programs that control point-source discharges through permitting and pre-treatment programs. Over \$651 million in program eliminations, including Geographic Programs and non-point source grants, and \$115 million in major programmatic changes will focus the agency's water programs on addressing core statutory requirements and national priorities. Responsibility for funding local environmental efforts is returned to State and local entities.

Keeping America's Environment Safe from Toxic Chemicals

EPA's chemical safety programs are integral to maintaining environmental and human health. In FY 2018, EPA requests a total of \$296 million to strengthen the capability of EPA, other regulators, and the public to assess chemical hazards and potential exposures, identify potential risks to human health and the environment and take appropriate risk management action.

In FY 2018, increased resources will support the agency's significant continuing and new responsibilities for ensuring that new and existing chemicals are evaluated in a timely manner. EPA will work aggressively to complete additional chemical risk assessments from the Toxic Substances Control Act (TSCA) Work Plan list of existing chemicals and meet its requirement to review all current pesticide registrations by 2022. The agency also is implementing fee-based funding as is envisioned in the statute. The agency will continue efforts to reduce risk and ensure that safety and compliance, including on-going pesticides licensing efforts. Program eliminations totaling nearly \$53 million combined with nearly \$60 million in other major program changes, including research programs, will focus federal resources on highest national priorities and core statutory requirements.

Supporting State and Tribal Partners

Effective environmental protection is a joint effort of EPA, states and our tribal partners. EPA must work collectively with states and tribes as the primary implementers of EPA's statutory obligations. Realizing the value of these partnerships, for FY 2018, EPA is requesting \$597 million in funding for State and Tribal Assistance Categorical Grants. These levels are in line with the broader strategy of streamlining environmental protection and focusing federal investment in core statutory programs. The agency will work with states and tribes to target core grant resources and provide flexibility to address their specific priorities.

Reducing and Eliminating Programs

As careful stewards of the taxpayer's resources, we will look to attack fraud, waste, and abuse. Also, EPA will continue to examine its programs to identify those that create unnecessary redundancies or those that have served their purpose and accomplished their mission. The FY 2018 President's Budget identifies and eliminates a number of programs totaling over \$1 billion. Details can be found in EPA FY 2018 Congressional Justification: <https://www.epa.gov/planandbudget/fy2018>.

EPA's FY 2018 budget request includes the elimination of \$427 million in Geographic Program funding. Recognizing the progress that has been made to date, these eliminations return responsibility for funding local environmental efforts to state and local entities. EPA will encourage states, tribes, and communities to continue to make progress from within core EPA program funding. In addition, nearly \$30 million in locally focused funds for infrastructure projects on Alaska Native Villages and on the US Mexico Border are not requested in this budget; however, these types of projects may be eligible for funding under the Clean Water and Drinking Water State Revolving Funds.

For more information on EPA's FY 2018 proposed budget, please visit <https://www.epa.gov/planandbudget/fy2018>

R097

If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking [here](#).
Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

From: U.S. EPA Media Relations [no-replysubscriptions@epa.gov]
Sent: 5/22/2017 10:39:54 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: EPA Administrator Meets With Congressional Coal Caucus



CONTACT:
press@epa.gov

FOR IMMEDIATE RELEASE
May 22, 2017

EPA Administrator Meets With Congressional Coal Caucus

Carries message from the President that the war on coal is over and highlights pro-environment, pro-energy independence agenda at EPA

WASHINGTON – EPA Administrator Scott Pruitt met with the Congressional Coal Caucus on Monday and carried with him the message from President Donald Trump that the war on coal is over. Additionally, Administrator Pruitt highlighted many of the changes EPA has made from the last administration including:

- On March 28, President Donald Trump visited EPA headquarters where he signed the Executive Order on Energy Independence, which calls for a review of the Clean Power Plan. The event signaled a commitment to the rule of law, cooperative federalism, and sound scientific rulemaking at EPA.
- Following the signing of the Executive Order, Administrator Pruitt sent a letter informing governors that EPA does not expect the states to dedicate resources to complying with the Clean Power Plan rule, a rule that has been stayed by the Supreme Court of the United States.
- On April 13, Administrator Pruitt toured the Harvey Mine, in Sycamore, Pennsylvania, the largest underground mine in the United States. Administrator Pruitt went underground to tour the mine and met with miners to learn firsthand about their work.
- On the same day he visited the Harvey Mine, EPA announced the agency's decision to review the final rule that amends the effluent limitations guidelines and standards for the steam electric power generating category under the Clean Water Act (ELG Rule), which has been estimated to cost \$480 million per year and has a reported average cost of \$1.2 billion per year during the first five years of compliance.
- Shortly thereafter, on April 20, Administrator Pruitt visited the Thomas Hill Energy Center in Missouri,

a rural electric cooperative that supplies energy to a vast swath of Missouri, Arkansas and Oklahoma.

These actions and others by the Trump Administration and the new EPA provide coal-producing states more certainty and assurance that the United States will rely on a diversified portfolio of energy production to achieve greater energy independence and grow America's economy.

"The war on coal is over," **proclaimed EPA Administrator Scott Pruitt** after meeting with the Congressional Coal Caucus. "Those that generate energy across America are doing so with a commitment to being pro-environment and pro-growth. The days of having to choose between those two things are over. This administration says we can and we will achieve both a healthy environment and a growing economy."

These changes in policy and the new attitude at the EPA have been enthusiastically welcomed by Members of Congress and the Congressional Coal Caucus.

"After eight years of devastating attacks on the coal industry from the Obama administration, it is a great relief to have a leader like Scott Pruitt in charge of the EPA. He understands that we can protect our air, land, and water without picking winners and losers in our economy," **said Congressman David McKinley (WV-01)**. "In our meeting with Administrator Pruitt, he articulated his vision to pursue environmentally friendly policies that won't attack the tens of thousands of coal miners who work so hard to power this great country. We are grateful for his willingness to work with our caucus and we look forward to strengthening our partnership on a wide range of issues that impact the coal industry." |

"I look forward to working with Administrator Pruitt, and others at the EPA, to make the EPA more efficient and to recognize that we can work towards cleaner air, cleaner water, and cleaner coal use without killing as many jobs in coal and other industries," **said Congressman Morgan Griffith (VA-09)** following Monday's meeting.

"Administrator Pruitt's eagerness to engage with lawmakers has been a breath of fresh air here on Capitol Hill," **commented Congressman John Shimkus (IL-15)**. "I appreciate his willingness to meet with the Coal Caucus today, and to listen to our stories about the communities in our districts that have been devastated by the previous administration's anti-coal agenda. Working together both legislatively and through administrative actions, I'm optimistic that this Congress and this Administration can and will protect our air and water without sacrificing jobs and affordable energy."



EPA Administrator Pruitt (L) speaks with Members of the Congressional Coal Caucus in the U.S. Capitol on Monday.

R095

If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking [here](#).
Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 6/22/2017 11:49:46 PM
To: Lyons, Troy [lyons.troy@epa.gov]; Bennett, Tate [Bennett.Tate@epa.gov]
Subject: FW: Invitation to Administrator Pruitt - Oct 23

From: Johnson, Kirk D. [mailto:kirk.johnson@nreca.coop]
Sent: Thursday, June 22, 2017 10:06 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: Invitation to Administrator Pruitt - Oct 23

Dear Ryan and Mandy –

Thank you again for the opportunity for our Generation & Transmission cooperative CEOs to speak with the Administrator on Monday about the Clean Power Plan. We appreciate it very much.

Nationwide, there are about 65 G&Ts across the country that supply the power to most of the 865 retail distribution cooperatives. The CEOs of those G&Ts gather twice every year to compare notes, receive updates on key issues, and help plan for the future. EPA's regulations have always been a top issue for this group of our membership.

They have asked me to see if Administrator Pruitt would be willing and able to come speak at their next meeting, which will be Oct 23 (all day) and 24 (morning only) in Lexington, Kentucky. I am certain they would schedule around the Administrator's availability if he were able to make it. They begin with a reception on Sunday evening, and then get into the meeting first thing Monday morning.

If you would consider adding this request to the countless others in the Administrator's long-term scheduling list, we would greatly appreciate it!

Thanks so much!

-K

Kirk Johnson
Senior Vice President, Government Relations
Ex. 6 - Personal Privacy (office) | Ex. 6 - Personal Privacy (mobile) | kirk.johnson@nreca.coop
Assistant: Erin Steverson | 703-907-5854 | erin.steverson@nreca.coop



NRECA Mission: To Promote, Support, and Protect the Community and Business Interests of Electric Cooperatives.

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Message


From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 6/7/2017 1:33:51 PM
To: Dominguez, Alexander [dominguez.alexander@epa.gov]
Subject: FW: introduction

From: John Di Stasio [mailto:John@lppc.org]
Sent: Wednesday, June 7, 2017 9:31 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Patrick Currier <currier@s2cpacific.com>; Missy Mandell (Gmail) <Ex. 6 - Personal Privacy >
Subject: Re: introduction

Thank you. I will plan to attend as well

John

John Di Stasio
President, Large Public Power Council
1050 Thomas Jefferson St, 5th Floor
Washington, DC 20007

 office
cell
john@lppc.org
www.LPPC.org

On Jun 7, 2017, at 9:27 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Yes, you're more than welcome.

From: John Di Stasio [mailto:John@lppc.org]
Sent: Wednesday, June 7, 2017 8:20 AM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Patrick Currier <currier@s2cpacific.com>; Jackson, Ryan <jackson.ryan@epa.gov>; Missy Mandell (Gmail) <Ex. 6 - Personal Privacy >
Subject: Re: introduction

Mandy

Is it possible for me to participate as well? My schedule will now allow it

Thanks

John

John Di Stasio

President, Large Public Power Council
1050 Thomas Jefferson St, 5th Floor
Washington, DC 20007

Personal Phone/Ex. 6 office
cell
john@lppc.org
www.LPPC.org

On Jun 5, 2017, at 10:01 AM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:

Great – thank you.

From: John Di Stasio [<mailto:John@lppc.org>]
Sent: Monday, June 5, 2017 9:47 AM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Patrick Currier <currier@s2cpacific.com>; Jackson, Ryan <jackson.ryan@epa.gov>;
Missy Mandell (Gmail) <[Ex. 6 - Personal Privacy](mailto:Ex.6-PersonalPrivacy@epa.gov)>
Subject: Re: introduction

Mandy

Here you go:

Mark Bonsall, CEO, Salt River Project, Phoenix, LPPC Board Chair
Phil Wilson, CEO, Lower Colorado River Authority, Austin, TX
Steve Wright, CEO, Chelan PUD, Wenatchee, WA
Kevin Nordt, CEO, Grant PUD, Ephrata, WA

And here are their e-mails:

: Bonsall Mark B <Mark.Bonsall@srpnet.com>,
"Phil.Wilson@LCRA.ORG" <Phil.Wilson@LCRA.ORG>,
"Wright, Steve" <Steve.Wright@chelanpud.org>, Kevin Nordt
<Knordt@gcpud.org>

Please let me know if you need anything else.

Thank you

John

John Di Stasio
President, Large Public Power Council
1050 Thomas Jefferson St, 5th Floor
Washington, DC 20007

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cell
john@lppc.org
www.LPPC.org

On Jun 2, 2017, at 4:48 PM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:

Hey John,

Thank you for your help. Can you send us their email addresses?

Sent from my iPhone

On Jun 1, 2017, at 2:11 PM, John Di Stasio <John@lppc.org> wrote:

Hi Mandy

Thanks again for the invitation for LPPC to participate. We have two CEOs committed and awaiting answers from two others.

Those interested include:

Mark Bonsall, CEO Salt River Project, Phoenix, AZ
(Current LPPC Board Chair)

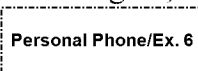
Phil Wilson, CEO Lower Colorado River Authority,
Austin, TX

I will update you when I get the final word from the others.

Thank you

John

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Washington, DC 20007

 office
cell

john@lppc.org
www.LPPC.org

On May 31, 2017, at 10:42 AM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:

Thank you, Patrick.

John,
Nice to e-meet you. I'm setting up a roundtable with top utility CEOs and

the Administrator on June 19th from 1 to 3 pm at EPA HQ. The purpose is to discuss next steps on CPP replacement with key stakeholders. Our current list of tentative attendees is listed below. We'd love to add some of your LPPC members. Please let me know who would be a good candidate to participate and is available as soon as possible.

Also, feel free to give me a call to discuss further. 202-564-2314.

Best,
Mandy

Confirmed:
Nick Akins, AEP
Gerry Anderson, DTE
Warner Baxter, Ameren
Pat Vincent-Collawn, PNM
Chris Crane, Exelon
Leo Denault, Entergy
Tom Farrell, Dominion
Ben Fowke, Xcel
Lynn Good, Duke
Sean Trauschke, OGE

Invited:
Southern Co.
First Energy
NRECA (top 3 to 5)
Basin
TRI-State
APPA (top 3 to 5)
TVA
LGE-KU
LPPC (top 3 to 5)
Vistra - Luminant

From: Patrick Currier
[mailto:currier@s2cpacific.com]
Sent: Wednesday, May 31, 2017 10:29 AM
To: Gunasekara, Mandy
<Gunasekara.Mandy@epa.gov>; John Di Stasio <john@lppc.org>
Subject: introduction

Mandy and John,

Wanted to connect you
guys. Mandy, meet John Di
Stasio, president of the Large
Public Power Council and long-
time friend and mentor of
mine. John, meet Mandy
Gunasekara, current senior policy
advisor to Administrator Pruitt
and all around superstar.

Best,
Patrick

Patrick T. Currier
Partner | S2C Pacific
8730 Wilshire Blvd., Ste. 350 | Beverly
Hills, CA | 90211
Personal Phone/Ex. 6 | currier@s2cpacific.com
www.s2cpacific.com

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 6/7/2017 1:32:25 PM
To: Dominguez, Alexander [dominguez.alexander@epa.gov]
Subject: FW: Re:
Attachments: Copy of Co-op CEO CPP Availability Summary.xlsx

From: Cassady, John M. [mailto:John.Cassady@nreca.coop]
Sent: Wednesday, May 31, 2017 6:03 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Mandy Gunasekara <mandy_gunasekara@epw.senate.gov>
Cc: Cromwell, Ted T. <ted.cromwell@nreca.coop>; Johnson, Kirk D. <kirk.johnson@nreca.coop>
Subject: Fwd: Re:

Here are the 8 names of our CEOs I submitted back in mid May.

Begin Forwarded Message:

From: "Cassady, John M." <John.Cassady@nreca.coop>
Subject: RE: Re:
Date: 16 May 2017 13:44
To: "Jackson, Ryan" <jackson.ryan@epa.gov>

Hi Ryan:

I am finally getting back to you with the names and dates that work for our guys. You will see in the attached spreadsheet that Tuesday, June 20th works the best for our group of CEOs that we recommend for participation in the event. If you were to go with that date, our group would include:

Tony Campbell, East Kentucky
Patrick Ledger, Arizona G&Ts
Pat O'Loughlin, Buckeye Power (Ohio)
Mac McLennan, Minnkota Power (ND/MN)
Paul Sukut, Basin Power (ND)
Mike McInnes, TriState (CO)
Mike Kezar, South Texas
Stuart Lowry, Sunflower (KS)

Please let me know if you need additional information from me. Best, -John C.

From: Jackson, Ryan [mailto:jackson.ryan@epa.gov]
Sent: Friday, May 12, 2017 7:00 PM
To: Cassady, John M.
Cc: Bennett, Tate; john.cassidy@nreca.coop
Subject: Re:

Thanks. Preferably June 19 or 20.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6 - Personal Privacy

On May 12, 2017, at 6:55 PM, Cassady, John M. <John.Cassady@nreca.coop> wrote:

Yes. Will do. It's been a bit like herding cats with some of our folks. Sorry for the delay. Will be back with you soon on this, have a great weekend.

On: 12 May 2017 17:25, "Bennett, Tate" <Bennett.Tate@epa.gov> wrote:

On May 12, 2017, at 5:24 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

John, just follow up on our conversation about utilities and a CCP successor, would you check on the week of June 19?

Much appreciated. I've cc'd Tate who can help with this too.

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency

Ex. 6 - Personal Privacy

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Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, copy, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 6/7/2017 1:32:08 PM
To: Dominguez, Alexander [dominguez.alexander@epa.gov]
Subject: FW: introduction

From: John Di Stasio [mailto:John@lppc.org]
Sent: Monday, June 5, 2017 9:47 AM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Patrick Currier <currier@s2cpacific.com>; Jackson, Ryan <jackson.ryan@epa.gov>; Missy Mandell (Gmail)
Ex. 6 - Personal Privacy
Subject: Re: introduction

Mandy

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<Phil.Wilson@LCRA.ORG>, "Wright, Steve" <Steve.Wright@chelanpud.org>, Kevin Nordt
<Knordt@gcpud.org>

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John

John Di Stasio
President, Large Public Power Council
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Sent from my iPhone

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Phil Wilson, CEO Lower Colorado River Authority, Austin, TX

I will update you when I get the final word from the others.

Thank you

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<Gunasekara.Mandy@epa.gov> wrote:

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Also, feel free to give me a call to discuss further. 202-564-2314.

Best,
Mandy

Confirmed:

Nick Akins, AEP
Gerry Anderson, DTE
Warner Baxter, Ameren
Pat Vincent-Collawn, PNM
Chris Crane, Exelon
Leo Denault, Entergy
Tom Farrell, Dominion
Ben Fowke, Xcel
Lynn Good, Duke
Sean Trauschke, OGE

Invited:

Southern Co.
First Energy
NRECA (top 3 to 5)
Basin
TRI-State
APPA (top 3 to 5)
TVA
LGE-KU
LPPC (top 3 to 5)
Vistra - Luminant

From: Patrick Currier [<mailto:currier@s2cpacific.com>]

Sent: Wednesday, May 31, 2017 10:29 AM

To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; John Di Stasio
<john@lppc.org>

Subject: introduction

Mandy and John,

Wanted to connect you guys. Mandy, meet John Di Stasio, president of the Large Public Power Council and long-time friend and mentor of mine. John, meet Mandy Gunasekara, current senior policy advisor to Administrator Pruitt and all around superstar.

Best,
Patrick

Patrick T. Currier
Partner | S2C Pacific
8730 Wilshire Blvd., Ste. 350 | Beverly Hills, CA | 90211
Ex. 6 - Personal Privacy | currier@s2cpacific.com
www.s2cpacific.com

Appointment

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 6/6/2017 10:21:45 AM
To: Adm14Pruitt, Scott [adm14pruitt.scott@epa.gov]
Subject: Accepted: HOLD: State Regulator Stakeholder Meeting re: CPP
Start: 7/18/2017 5:00:00 PM
End: 7/18/2017 7:00:00 PM

Recurrence: (none)

Message

From: Jackson, Ryan [jackson.ryan@epa.gov]
Sent: 6/5/2017 1:16:26 PM
To: Hupp, Sydney [hupp.sydney@epa.gov]
Subject: Re: RE:

I know. It's with ECOS.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6 - Personal Privacy

> On Jun 5, 2017, at 8:49 AM, Hupp, Sydney <hupp.sydney@epa.gov> wrote:
>
> I put it on there from 1-3 but FYI, ECOS will be in the green room all day on the 18th.
>
>
> _____
> Sydney Hupp
> Executive Scheduler
> Office of the Administrator
> Ex. 6 - Personal Privacy (C)
>
> -----Original Message-----
> From: Jackson, Ryan
> Sent: Sunday, June 4, 2017 4:18 PM
> To: Hupp, Sydney <hupp.sydney@epa.gov>
> Subject:
>
> Please put a placeholder on July 18 for state regulator stakeholder meeting re CPP.
>
>
> _____
> Ryan Jackson
> Chief of Staff
> U.S. EPA
> Ex. 6 - Personal Privacy

Message

From: Jackson, Ryan [jackson.ryan@epa.gov]
Sent: 6/4/2017 8:18:10 PM
To: Hupp, Sydney [hupp.sydney@epa.gov]

Please put a placeholder on July 18 for state regulator stakeholder meeting re CPP.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6 - Personal Privacy

Message

From: Jackson, Ryan [jackson.ryan@epa.gov]
Sent: 6/1/2017 10:18:46 AM
To: Fugh, Justina [Fugh.Justina@epa.gov]
Subject: Fwd: White House waiver lets former lobbyist help shape energy policy

Update. FYI.

Ryan Jackson
Chief of Staff
U.S. EPA
Ex. 6 - Personal Privacy

Begin forwarded message:

From: "POLITICO Pro Energy Whiteboard" <politicoemail@politicopro.com>
Date: May 31, 2017 at 10:04:18 PM EDT
To: <jackson.ryan@epa.gov>
Subject: White House waiver lets former lobbyist help shape energy policy
Reply-To: "POLITICO subscriptions" <reply-fe881276736c027e71-980857_HTML-786581600-1376319-0@politicoemail.com>

By Anthony Adragna

05/31/2017 09:59 PM EDT

The White House disclosed tonight it has granted energy aide Mike Catanzaro an ethics waiver to allow him to participate in policy matters he once lobbied on.

Catanzaro, a former partner with CGCN Group LLC, has been cleared to specifically participate in matters related to EPA's Clean Power Plan, the waters of the U.S. rule and methane regulations. The waiver also covers unspecified "broad policy matters."

At CGCN, Catanzaro's clients included the American Fuel and Petrochemical Manufacturers, the American Chemistry Council and Noble Energy. He also worked on behalf of Devon Energy, an Oklahoma-based oil and gas company close to EPA Administrator Scott Pruitt.

Catanzaro's waiver was one of 14 disclosed by the White House. Their release capped a battle between the Office of Government Ethics and Trump's administration, which initially refused to release them.

Trump's January executive order on ethics barred lobbyists entering the administration from working on anything they specifically lobbied on for two years, but allowed waivers.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/05/white-house-waiver-lets-former-lobbyist-help-shape-energy-policy-088475>

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Somewhat



Neutral



Not really



Not at all

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<https://www.politicopro.com/settings>

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This email was sent to jackson.ryan@epa.gov by: POLITICO, LLC 1000 Wilson Blvd.
Arlington, VA, 22209, USA

Message

From: Jackson, Ryan [jackson.ryan@epa.gov]
Sent: 5/31/2017 9:53:25 AM
To: Fotouhi, David [fotouhi.david@epa.gov]

What FACA issues do we run into if at all by holding a utility only meeting June 19 with CEOs from large utilities to small to coops in next steps after CPP withdrawal to be followed up by a meeting with ECOS in July?

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6 - Personal Privacy

Message

From: Jackson, Ryan [jackson.ryan@epa.gov]
Sent: 5/31/2017 9:37:41 AM
To: Schwab, Justin [schwab.justin@epa.gov]

Ex. 5 - Deliberative Process

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6 - Personal Privacy

From: Jackson, Ryan [jackson.ryan@epa.gov]
Sent: 5/25/2017 10:13:32 AM
To: Bennett, Tate [Bennett.Tate@epa.gov]
Subject: Fwd: Morning Energy, presented by POET: DOE, FERC nominees ready for their closeups — Keystone hints in Trump's Paris dilemma — Montana votes on Zinke's seat today

Will you print out this letter for Pruitt for this morning?

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6 - Personal Privacy

Begin forwarded message:

From: "POLITICO Pro Energy" <politicoemail@politicopro.com>
Date: May 25, 2017 at 5:43:25 AM EDT
To: <jackson.ryan@epa.gov>
Subject: Morning Energy, presented by POET: DOE, FERC nominees ready for their closeups — Keystone hints in Trump's Paris dilemma — Montana votes on Zinke's seat today
Reply-To: "POLITICO subscriptions" <reply-fe8b1276716d057b71-630326_HTML-786581600-1376319-0@politicoemail.com>

By Anthony Adragna | 05/25/2017 05:41 AM EDT

With help from Esther Whieldon, Eric Wolff, Darius Dixon and Bernie Becker

DOE, FERC NOMS STEP INTO THE SENATE SPOTLIGHT: The Senate Energy and Natural Resources Committee is trying to vet the energy appointees as quickly as possible, so today brings a three-fer: Deputy Energy Secretary candidate Dan Brouillette, and FERC picks Neil Chatterjee and Rob Powelson are all getting their time in the sun today. Brouillette is well liked among those who know him from his work on congressional affairs at DOE in the early years of the George W. Bush administration. But most of energy industry's interest is focused on the potential FERC commissioners, and they are hoping there are no hiccups for Chatterjee and Powelson so that they can be sped off to restore the agency's quorum.

Smooth sailing? Chatterjee, an aide to Senate Majority Leader Mitch McConnell, is well-known to just about everyone on the energy committee (ENR Chairwoman Lisa Murkowski deemed Chatterjee the "energy whisperer" as he helped shepherd last year's energy bill through the Senate). Powelson, who has been a member of the Pennsylvania Public Utilities Commission since 2008, including several years as its chairman, has strong ties to his state's congressional delegation. He did an extensive interview with POLITICO last fall, shortly after he became the president of the National Association of Regulatory Utility Commissioners, discussing natural gas pipeline infrastructure, the drama unfolding in regional electricity markets and carbon pricing. But Powelson got in hot water in March for saying that people protesting pipeline projects were engaged in a "jihad" against natural gas.

Duty calls: Getting through the hearing is likely to be easier than giant backlog of work that awaits the two nominees at FERC should they be confirmed, as Darius explained earlier this month. Add to that the constant flow of tasks on physical and cybersecurity matters, income tax issues and conflict around PURPA. Both Chatterjee and Powelson have been in government for more than seven years, which makes their financial disclosures and ethics agreements fairly yawn-worthy. For his part, Brouillette is giving up interests he has in four small utilities, if confirmed. But with Memorial Day recess afoot, FERC's quorumless streak will hit the four-month mark before ENR can even vote on them, let alone the full Senate. The hearing starts at 9:45 a.m. in Dirksen 366.

GLIMPSES OF KEYSTONE IN PARIS DEBATE: President Donald Trump's drawn out decision of whether to leave the Paris agreement evokes a political dynamic oddly similar to the one that Hillary Clinton and Barack Obama faced on the Keystone XL pipeline, another largely symbolic decision, Pro's Nick Juliano reports. He faces pressure from Washington elites and foreign allies who want him to stick with the Paris deal — echoing the D.C. establishment and Canadian government pressure for Obama and Clinton to back Keystone.

Trump is hearing arguments that sticking with the nonbinding pact would weaken his domestic energy agenda from attorneys general in energy-producing states like West Virginia and Texas, and conservative groups in Washington like the American Energy Alliance. But his most diehard supporters are hardly taking to the streets over the Paris deal, and even some conservative Republicans don't seem all that invested in his ultimate decision. "You know, I didn't like the way that President Obama got into that, but as I think one of my colleagues has pointed out it doesn't cost us any money, and it doesn't obligate us to do anything," Sen. John Cornyn (R-Texas) said Wednesday. "So it's more an appearances issue."

Trump is said to be leaning against remaining in the deal, which he promised to cancel during the campaign. But he has changed his mind on several other issues so far this year, and a decision has been slow in coming amid the divisions within the administration. Sticking with it would send a begrudging yet powerful signal that the U.S. acknowledges that climate change is a problem worth addressing, even as the administration is already in the process of rolling back Obama's rules that limit greenhouse gas emissions from power plants, automobiles and other major sources, while it hurries to open up vast new tracts of federal land and water to fossil fuel development.

IT'S ANOTHER BUSY DAY IN WASHINGTON! I'm your host Anthony Adragna, and the Renewable Fuels Association's Rachel Gantz was first to pick out Vice Presidents Spiro Agnew and John Calhoun as the only two to resign. For today: During the Civil War, who was Jefferson Davis' vice president? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter [@AnthonyAdragna](https://twitter.com/AnthonyAdragna), [@Morning_Energy](https://twitter.com/Morning_Energy), and [@POLITICOPro](https://twitter.com/POLITICOPro).

PROGRAMMING NOTE — Due to the Memorial Day holiday, Morning Energy will not publish on Monday, May 29. Our next Morning Energy will publish on Tuesday, May 30. Please continue to follow Pro Energy issues here.

ME FIRST — 21 REPUBLICAN SENATORS: BID ADIEU TO PARIS: A group of Republican senators are out with a letter this morning to Trump urging him to leave the Paris agreement, arguing that sticking with it might allow environmentalists to force climate change regulations through litigation. "Leading environmental attorneys have been candid that they intend to use the Paris Agreement and the existing endangerment finding to force EPA to regulate under Section 115 of Clean Air Act," wrote the lawmakers, including Jim Inhofe, John Barrasso and Senate Majority Leader Mitch McConnell. Interestingly, they argue the U.S. will

retain a voice in future discussions through its participation in the UNFCCC, which some conservatives have urged Trump to withdraw from as well.

But Brown thinks Trump will come around: California Gov. Jerry Brown told reporters at a climate change conference hosted by the Netherlands in San Francisco he considers Trump a political "realist" who will likely listen to what Pope Francis, China and other world leaders are saying on the issue, POLITICO California's Carla Marinucci [reports](#).

**** A message from POET - one of the world's largest ethanol producers:** With scientists and engineers, POET operates 30 biofuel facilities & America's first cellulosic biofuel plant. We produce a cleaner fuel for millions of drivers, every day. We're POET and we're driving innovation, from the ground up. Learn more [here](#). **

MONTANA FILLS ZINKE'S SEAT TODAY: Big Sky voters head to the polls today to fill Interior Secretary Ryan Zinke's congressional seat. Republicans are saying the race between Republican Greg Gianforte and Democrat Rob Quist is "[closer than it should be](#)" in the traditionally red state. Polls close at 8 p.m. Montana time so it may be a while before we know how this one turns out. There are late-breaking [reports](#) that Gianforte assaulted a reporter Wednesday.

OPEC EXPECTED EXTEND QUOTA CUTS: OPEC and non-member oil producers gather in Vienna today, and an extension of output production of up to year appears to be in the cards, Reuters [reports](#). Recent statements from major oil producing nations indicate the cuts will continue through at least the first quarter of 2018.

NEVER GONNA GIVE YOU UP: Don't look now, but a bipartisan Senate group is coming together to get a group of energy tax credits finally over the hump. The group will be working on what a Democratic leadership aide called a "few small items that are well-vetted and should have already been processed," including clean energy tax credits that supporters say were mistakenly left out of a 2015 budget deal, a nuclear production tax credit that lawmakers from Georgia and South Carolina have been fighting for, and an incentive for carbon capture. [Tom Carper](#) (D-Del.), [Chris Coons](#) (D-Del.), [Lindsey Graham](#) (R-S.C.), [Heidi Heitkamp](#) (D-N.D.), [Tim Scott](#) (R-S.C.) and [Sheldon Whitehouse](#) (D-R.I.) are all expected to join the group — which might see a couple potential legislative vehicles pop up this year, given that lawmakers will have to deal with government funding and the debt ceiling, and are pressing ahead on tax reform. "The nuclear production tax credits just need to be done," Scott said Wednesday, adding he'd work with "any group that's willing to have the conversation about getting that accomplished."

One name not attached to the working group: Sen. [Dean Heller](#) (R-Nev.), a backer of renewable energy tax credits who also happens to be an endangered GOP incumbent next year. But the Democratic aide denied Heller was excluded for political reasons, instead saying he didn't take part in efforts to get the tax incentives extended in the most recent budget deal.

PRUITT MEETS PUBLIC HEALTH GROUP: EPA Administrator Scott Pruitt [met](#) Wednesday with representatives of the American Academy of Pediatrics to discuss "how we can continue to improve children's environmental health." The group tweeted, "whenever there is an opportunity to advocate for children to those in power, AAP leaders are there."

E15 WAIVER HEARING STILL COMING: It's not scheduled yet, but Senate EPW Chairman [John Barrasso](#) told reporters Wednesday that legislation allow year-round sale of gasoline blends with 15 percent ethanol would still get an EPW markup. "We haven't sent a date yet, but we'll do it," he said. ME readers likely remember the promise of a committee vote got a

bloc of corn-state Republicans to back an (ultimately unsuccessful) effort to overturn an Obama-era methane regulation.

'First step' on RFS reform: The House Energy and Commerce Committee took its first official step in revamping the Renewable Fuel Standard with a roundtable discussion Wednesday. "We're looking forward to continuing our thorough review in order to better understand what's working, what's not, and whether the goals of the program are being achieved," a committee aide told ME.

MURKOWSKI REMAINS COOL TO SPR SELLOFF: Don't expect Murkowski, chairman of the energy panel and senior appropriator, to get behind the Trump administration's desire to sell off half the nation's emergency oil stockpile. "I think the direction that the administration is taking or as I'm reading the lines there is 'we don't necessarily need as robust a Strategic Petroleum Reserve because what we're going to do is enhance energy production,'" she said. "I like that, but does that really happen? ... There are some things that need to be reviewed and considered." She promised to ask Brouillette about the matter during his confirmation hearing today.

MAIL CALL! SAVE THE WETLANDS FUNDING: 175 House members and 45 senators sent letters to top appropriators asking for robust fiscal 2018 funding for the North American Wetlands Conservation Act program. "NAWCa represents a reasonable, cost-effective approach to wildlife conservation," they wrote. "While we understand the fiscal constraints this year, we would like to point to this program's demonstrated success at developing non-federal sources and diverse partnerships for the conservation of wildlife habitat." Both letters received significant bipartisan support.

LAWMAKERS TO GAO: TAKE A LOOK AT HANFORD: An eclectic group of House and Senate lawmakers — Senate ENR ranking member Maria Cantwell, House Energy and Commerce Chairman Greg Walden, Sen. Patty Murray, House Energy and Commerce ranking member Frank Pallone, Sen. Ron Wyden, Rep. Dan Newhouse and House Republican Conference Chair Cathy McMorris Rodgers — asked GAO in a letter to look at ongoing cleanup efforts at the Hanford Nuclear Reservation in Washington and examine what remediation still needs to be completed. "We were alarmed by the recent tunnel collapse at the Hanford site, and are concerned that future events could put the safety of workers, the public and environment at risk," they wrote.

DELAWARE TRADES WANT EPA TO CHANGE RFS OBLIGATION: The Delaware AFL-CIO and Delaware Building Trades are asking EPA's Pruitt to change which companies bear the obligation of complying with the Renewable Fuel Standard. In a letter sent yesterday, the union argues that the current system, which requires refiners to purchase credits to prove compliance, "puts merchant refiners like the [PBF Energy's] Delaware City at risk." The union joins the United Steelworkers in asking for the change.

REPORT: SIGNIFICANT PHISHING ATTACK AT INTERIOR: A major cybersecurity attack in January 2016 that likely originated outside the U.S. resulted in 1,500 Interior employees receiving phishing emails and approximately 100 compromised email accounts, according to a report released Wednesday by the agency's inspector general. In response, official accelerated the deployment of a two-step authentication process for email access and stopped the attack within 11 days of it beginning.

REPORT: ANTIQUITIES ACT FUELS LOCAL ECONOMIES: The Mountain Pact, a collection of Colorado towns, released a white paper today analyzing the importance of the Antiquities Act for sustaining local economies in the West. "Investment in, protection and

expansion of public lands is a vital part of ensuring that mountain communities can continue to sustain and grow their outdoor economies," it states.

PESTICIDES BILL CLEARS HOUSE AGAIN: Lawmakers voted 256-165 Wednesday in favor of the Reducing Regulatory Burdens Act, which would exempt pesticide applicators from Clean Water Act permitting requirements, Pro's Annie Snider reports. Similar measures have cleared the House multiple times since a 2009 court ruling that mandated the Clean Water Act permits, but the Senate has never taken them up.

SENATE DEMOCRATS CRY FOUL OVER OVERSIGHT OBSTRUCTION: Sixteen senior Senate Democrats, led by Minority Leader Chuck Schumer, sent a letter to Trump demanding answers on whether the White House had instructed federal agencies not to respond to the oversight requests of Democrats. "While some agencies have responded to limited number of these requests, most have gone unanswered," they wrote. "If at the instruction of the White House information is being intentionally withheld on a partisan basis, such actions would be simply unacceptable." Tom Carper, top EPW Democrat, has raised serious concerns about the lack of responsive information coming from EPA to his oversight letter requests.

LIKE A GOOD NEIGHBOR, PERRY'S THERE: Energy Secretary Rick Perry will receive the U.S.-Mexico Chamber of Commerce's Good Neighbor Award tonight at 9 p.m. in celebration of "his leadership in fostering collaboration between the U. S. and Mexico during his tenure as Governor of the State of Texas."

UTAH TOURISM OFFICE PROMOTING NATIONAL MONUMENTS IN CROSS HAIRS: The Utah Office of Tourism is promoting the Bears Ears National Monument even as the state's governor and congressional delegation is pushing Trump to rescind the monument. Gov. Gary Herbert signed a resolution in February urging the administration to remove the designation. But the tourism office within the governor's office has a page on its website dedicated to the monument. "This 1.35-million-acre national monument covers a broad expanse of red rock, juniper forests, high plateau, cultural, historic and prehistoric legacy that includes an abundance of early human and Native American historical artifacts," the website says. "Just as important to the Bears Ears designation are the modern-day connections that the Navajo Nation, Ute Mountain Ute Tribe, Hopi Nation and other tribes have to this land."

MOVER, SHAKER: Tom Starrs, vice president of market strategy and policy for SunPower Corp., has been named chairman of the Solar Energy Industries Association board; Michael Maulick, president of SunLink Corp., will be vice chairman.

QUICK HITS

— China Shuts Only Undersea Coal Mine Amid Production Rebound. AP.

— 9.8 million people employed by renewable energy, according to new report. CNBC.

— U.S. should act against proposed Russian gas pipeline, Democratic senator says. MarketWatch.

— Presidents can't undo national monuments, new study says. Salt Lake Tribune.

— France's Macron to try to convince Trump to back Paris accords: diplomats. Reuters.

HAPPENING TODAY

8:15 a.m. — Environmental and Energy Study Institute event on transmission infrastructure, Reserve Officers Association, 5th Floor, One Constitution Ave NE

9:30 a.m. — House Appropriations Committee hearing on the U.S. Forest Service, 2007 Rayburn

9:45 a.m. — "Nomination Hearing to Consider DOE, FERC Nominees," Senate Energy and Natural Resources Committee, 366 Dirksen

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**** A message from POET - one of the world's largest ethanol producers:** With scientists and engineers, POET is a biofuels company built from innovation. POET operates 30 biofuel facilities across eight states & America's first cellulosic biofuel plant. Across the country, we support 40,000 renewable energy jobs producing a cleaner fuel for millions of drivers, every day. We are securing a cleaner future for all of us. We're POET and we're driving innovation, from the ground up. Learn more here. **

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<https://www.politicopro.com/tipsheets/morning-energy/2017/05/doe-ferc-nominees-ready-for-their-closeups-023001>

Stories from POLITICO Pro

POLITICO Pro Q&A: NARUC President Robert Powelson Back

By Darius Dixon | 12/28/2016 06:15 AM EDT

Robert Powelson, a Republican and Pennsylvania state regulator, was elevated in November to the presidency of the National Association of Regulatory Utility Commissioners, which represents state regulators across the country.

Powelson's been a member of the state's PUC since 2008, including five years as its chairman, where he dealt with disasters like Hurricane Sandy in 2012.

Powelson's one-year NARUC presidency begins amid the transition at the White House and across the executive branch, and his group plans to hammer on its issues like energy infrastructure, nuclear waste and pipeline safety. He's also frustrated with grid operators who he feels are "putting their heads down in the sand" when it comes to state initiatives aimed at rescuing nuclear plants and the need for PHMSA to have a leader that isn't "stuck inside the Beltway."

This interview has been edited for length and clarity.

NARUC presidents tend to have a particular issue of focus for their leadership. What are NARUC's priorities for 2017?

This is one of those rarified opportunities when you're elected to be president of NARUC and you're on a parallel path with a presidential transition. In Pennsylvania, we have great leaders in [GOP] Reps. Bill Shuster and Lou Barletta and what I've tried to stress is that we're all about infrastructure — roads, bridges, airports, mass transit, all that — but let's not forget what we do as public utility regulators with energy infrastructure.

It's the pipeline replacement and siting, transmission buildout, water infrastructure in a post-Flint, Mich., world where we're having a national discussion about lead contaminants. We're going to be stressing our points around the need to invest in energy infrastructure. We recognize the ports and the airports and the mass transit and intermodal transportation needs and infrastructure, but NARUC's going to be sitting there articulating a message around energy infrastructure as well.

How high a priority is nuclear waste and potentially moving forward with the Yucca Mountain repository?

From a NARUC perspective, we're becoming a little impatient with how these markers on Yucca keep getting moved. ... I've been to Yucca Mountain. I've been inside the mountain. I know it's there. I know it's been paid for.

In the past, NARUC approved a resolution saying the nuclear waste fee imposed on utilities shouldn't be restarted until the Energy Department moves ahead with Yucca or some other program authorized by Congress. If Yucca is back on the table, where is NARUC on the fee?

As the spent fuel stays onsite, I think policymakers in states like Pennsylvania and Illinois — [leading] nuclear production states, at the state legislature level and state homeland security level — there's a little bit of heartburn in terms when we're going to have this national solution.

Honestly, we have not had that kind of discussion recently at NARUC. I think a lot of people think about it at the macro level. State PUC commissioners believe it's been paid for and we're being asked to do it again.

New York approved a clean energy standard that includes subsidies for nuclear plants, and Illinois recently did the same. Do you see other states embracing that?

The Pennsylvania market — a net exporter of power, 46,000-plus megawatts, No. 2 natural gas production in the country next to Texas — we've seen close to a 56 percent drop in wholesale power prices since 2008, we've seen a market-based decarbonization since 2008.

Today, because of the benefits of the Marcellus here in the Northeast, we're bringing gas out of the wellhead at a \$1.96 MMBtu. In fact, Pennsylvania gas is almost a dollar cheaper than Henry Hub quoted gas. These are all the real-time, 'what's going on in the marketplace' [elements]. And then we have, at the federal level, a discussion about the Clean Power Plan and a meeting that took place on Capitol Hill about three months ago with DOE officials, representatives from the Nuclear Energy Institute, the Edison Electric Institute, and now all of a sudden everybody's like, "Oh my God. We've missed the mark on nuclear price formation issues."

Pennsylvania has a renewable portfolio standard. That RPS does not recognize the value of nuclear. It does not recognize the potential investment that a nuclear operator can make with a steam generator retrofit. And Pennsylvania is a devout supporter of competitive markets. [There are the] issues of Diablo Canyon in California and the issue of price distortion because of wind and the federal production tax credit, and the New York example of saving western nuclear units, jobs. Pennsylvania is a very different market than Illinois, New York and California.

We're following it in other states, but the construct would have to be looked at in the policy lens of the renewable portfolio standard in Pennsylvania being amended to recognize the value of nuclear. Granted, we don't regulate generation in Pennsylvania, but we recognize that value when

we had the polar vortex in 2013 when we had a 24 percent forced-outage rate across PJM. The darling child that kept the lights on at 5 o'clock at night as people were coming home from work was nuclear power.

This issue needs to be looked at by PJM — the issue of nuclear price formation. The RTOs need to deal with the issue. Pushing it back to state regulators by these one-off mechanisms — if you're in a restructured market — basically puts us back in the business of doing integrated resource planning.

So, you're hoping for market-wide approaches?

Yeah, that, or if Congress wants to solve the problem, then put a value on carbon. But that's not gonna happen either.

I was in the room when [Sen.] Lamar Alexander in 2008 articulated a vision of a nuclear renaissance. Well, we haven't seen a nuclear renaissance. It's Watts Bar, Vogtle and SCANA and that's it. ... I'd love a nuclear renaissance. The problem is we've also got the gas renaissance taking place.

What are the central problems you have with the state-by-state approach to rescuing power plants?

It creates too many, what I call, energy policy moral hazards, and you're [looking to] state regulators that are not in the business of doing integrated resource planning, and you're asking us to do that. I think it creates a bastardized market construct and at the end of the day, this issue is best resolved with the RTO — in our case PJM — putting that value on carbon and dealing with it. Sheepishly, RTOs are putting their heads down in the sand and not saying a word.

Do you think they're expecting FERC to deal with this?

I think what they're looking to do is, as these things germinate in states, the RTO is now put in the very awkward position of how does this work in the capacity auction construct, and how does it pass the screen test at the FERC level of not bastardizing the Federal Power Act.

Do you get the sense that RTOs are waiting for the courts and FERC to address the New York clean energy standard before they take their next step?

That's seems to be the posture that we're seeing in PJM because if you take the Illinois example and assuming there's a discussion in New Jersey, and a discussion here [in Pennsylvania], the RTO is best equipped to address that. If there's going to be a value in the wholesale power market construct in our organized market, the grid operator needs to determine that, not the state regulator.

What other big issues are on NARUC's priorities?

Obviously, the Clean Power Plan is something the new administration will seek our input on. Then there are issues around net-neutrality and some FCC decisions and then you come back to energy. One of the big things after the passage of the SAFE PIPES Act this year, is that there is a disconnect between the states and PHMSA. One of our priorities with the new administration will be how critically important it is to identify a PHMSA administrator that understands the plight of gas safety operations back in the states.

These are largely domiciled in the state public utility commissions, but let's use my state as an example. We've got a lot more responsibility in the last five years. There was a state statute signed into law giving us new jurisdictional oversight. That comes with hiring new personnel, new engineers. Well, guess what — there's one training location in the U.S.

This has become a common-thread issue, brought up in a resolution that passed that expressed a concern that [PHMSA] can't expect states to ramp up their safety operations when there's only one training location in the country. When I was on the hill, and I talk to people like [Reps.] Lou Barletta and Bill Shuster and Sens. Bob Casey and Pat Toomey, they were alarmed to hear that.

Help us solve it. If you don't want to do brick-and-mortar training facilities, that's fine. But let's come up with a reasonable approach. It could be at a community college, it could be a university setting, whatever. But we gotta get beyond this backlog in training because it's really gonna come back and bite us.

PHMSA, at the administrative level, needs an individual in there that understands how state-based gas safety operations work — know the *modus operandi*. They can't be stuck inside the Beltway. You need someone who understands those state issues. It's been a very combative relationship. In fact, with PHMSA directors from [Cynthia] Quarterman to [Marie] Dominguez, we've pulled our hair out trying to get them as speakers. The joke at NARUC is that we know we've hit a homerun when the PHMSA administrator accepts an invitation to speak.

We're equal access. We want to have high-level, key administration folk come through. I give [EPA Administrator] Gina McCarthy a lot of credit. She worked NARUC and met with people who were diametrically opposed to the Clean Power Plan but she took the time to at least talk to us.

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New FERC picks face a mountain of difficult business [Back](#)

By Darius Dixon | 05/09/2017 07:09 PM EDT

President Donald Trump's new picks for FERC should have little trouble winning Senate confirmation, and once they do they will face a mountain of decisions about the future of power markets, the agency's relationship with the states, and its approach to enforcement.

Trump's long-awaited announcement that he would fill two vacancies on the five-seat commission couldn't have come soon enough for Sen. Lisa Murkowski, who is angling for quick confirmation hearings before her Senate Energy and Natural Resources Committee.

"The FERC has been without a quorum since early February and they need the ability to get to work," Murkowski told reporters Tuesday.

Trump nominated Neil Chatterjee, a senior energy adviser to Senate Majority Leader Mitch McConnell, and Robert Powelson, a Pennsylvania regulator with strong relationships in Congress, to the commission, but he has yet to tap a permanent FERC chairman. That position

has been expected to go to Kevin McIntyre, a Jones Day lawyer who also is an expert in the Federal Power Act, FERC's core statute. In more than two decades with Jones Day, McIntyre has had a slew of energy industry clients, including South Carolina Electric & Gas Co. and SCANA Corp., making his financial disclosures and ethics paperwork more complicated than those who have been in government for several years.

The agency has been experiencing a traffic jam of energy infrastructure projects needing the leadership's blessing.

"We are already building up quite a backlog," acting FERC Chairwoman Cheryl LaFleur said recently, noting that there'd been a steep drop-off in the number of orders issued since former Chairman Norman Bay's resignation in February dropped it to two members, preventing a quorum needed to conduct a lot of its most critical business.

Many of those orders, dealing with issues such as interstate natural gas pipeline projects and contested electricity rate plans, still require followup decisions to be made when more leaders are brought on. To help ease the agency's pileup, staff have been lining up draft orders for new commissioners to review as soon as they're sworn in.

Perhaps the biggest issue looming over the agency is how it plans to address a growing number of state-level policies tailored to specific energy sources — such as nuclear incentive programs recently approved in New York and Illinois — that are complicating the markets under FERC's jurisdiction.

The Electric Power Supply Association, which represents independent generators, filed complaints in January calling on FERC to ensure electricity prices in upcoming spring auctions in the New York and the mid-Atlantic area PJM Interconnection markets were not artificially lowered by state programs that subsidize struggling nuclear plants. But until at least one new member is confirmed, FERC's hands are tied.

Meanwhile, Ohio, Connecticut, New Jersey and Pennsylvania have all started to mull their options for helping power plants in their states just as state regulators and a broad swath of the energy industry has increasingly looked to FERC for policy guidance.

Presidents and Congress typically aim to achieve geographic balance at FERC, and Powelson would be the only representative of a PJM state if he is confirmed.

In addition to being the largest power market overseen by FERC, PJM may test how the agency irons out differences — or butts head with — with states crafting lifelines for power plants. And Powelson has called for market operators to take a more forceful role in addressing issues such as aiding nuclear power through carbon pricing rather than leaving states to take bites out of the markets.

"I think it creates a bastardized market construct and at the end of the day, this issue is best resolved with the RTO — in our case PJM — putting that value on carbon and dealing with it," Powelson said in an interview with POLITICO last fall. "Sheepishly, RTOs are putting their heads down in the sand and not saying a word."

Carbon pricing got a lot of airtime at FERC's recent technical conference as perhaps the most market-friendly way to support nuclear power. Still, it was also clear that states within the same electricity market, like New England, couldn't agree on moving ahead with carbon pricing.

Another part of the policy deluge the new commissioners will feel pressure to act on is the agency's closely watched price formation initiative, which focuses on developing new market rules that boost how power plants are paid in an increasingly complex grid. That initiative, which was launched following the 2013-14 polar vortex that caused electricity prices in the Northeast to skyrocket, has been eyed particularly by companies with around-the-clock baseload power plants, like the nuclear industry.

The FERC vacancies also exacerbated uncertainty surrounding the commission's work to protect energy markets against alleged manipulation. Once a new commissioner is confirmed — and a permanent chairman in place — leaders will have to decide how to respond to recent court losses over how they run enforcement cases. While FERC lawyers handle the particulars of each case, the commission leadership will have to debate any overarching change to its enforcement strategy, particularly if judges are going to force them to practically build the cases from scratch again.

FERC Commissioner Colette Honorable also recently announced that she will leave the agency later this year. Her departure provides another opening for Trump to fill but because FERC's board can't have more than three members of the same political party, tradition indicates that Democrats will pick who fills the seat.

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Trump's Keystone-style conundrum on the Paris climate deal [Back](#)

By Nick Juliano | 05/25/2017 05:03 AM EDT

President Donald Trump is dragging out a decision on the Paris climate change pact, creating a political dynamic strangely similar to the one that Hillary Clinton and Barack Obama faced on the Keystone XL pipeline, another policy call that was mostly symbolic.

Whether Trump exits or remains in the international climate pact will have little impact on U.S. greenhouse gas emissions, much like how Obama's decision to block Keystone did not reduce U.S. oil consumption.

The 2015 Paris deal itself was hailed as the major breakthrough in global cooperation to fight climate change, but the pact itself carries little weight, since it's built on individual nations' domestic actions and doesn't include penalties for failing to act. Trump's advisers have split over whether to exit the deal, an approach preferred by conservatives like chief strategist Steve Bannon and EPA Administrator Scott Pruitt, or to stay in and attempt to weaken the U.S. commitment, the preferred approach of Secretary of State Rex Tillerson and Ivanka Trump, among others.

Trump has already begun systematically eliminating the Obama policies that were built into Washington's commitments under the deal — and he can continue to do so even if he stops short of withdrawing. Similarly, even if Obama had approved Keystone, that single project would not be enough to counteract the emissions reductions promised by the rest of his climate policies.

Another Keystone parallel: Trump is essentially being asked to side with either the Washington elites and foreign allies who want him to stick with the Paris deal, or the voters who elected him, most of whom doubt the scientific consensus that humanity is responsible for climate change.

"It's the deplorables versus the swamp, the elites versus the deplorables," said Myron Ebell, the director of the conservative Competitive Enterprise Institute's Center for Energy and Environment who initially headed Trump's EPA transition operation.

On his first foreign trip this week, Trump is getting foreign pressure — from the Vatican and European leaders — to not abandon the climate deal, just as Obama and Clinton were lobbied by the Canadian government to approve the Keystone pipeline.

Many of the same Keystone-inspired activists who chained themselves to the White House fence during the Obama administration have marched by the hundreds of thousands against Trump's environmental policies. And although Trump's white working class base has been mostly silent on Paris deal, several state attorneys general and conservative groups like the American Energy Alliance have urged the White House to leave the pact.

CEI ran TV ads ahead of the president's foreign trip urging him to pull out of the deal, and dozens of mostly Washington-based conservative groups have written letters arguing against Paris. Ebell said more groups were expected to sign onto future letters, and Republican members of Congress likely would weigh in next week as well.

But there appears to be little evidence that Trump's genuine grassroots supporters are motivated by the Paris agreement itself, even as they cheer the president's regulatory moves to end what he calls Obama's "war on coal." Meanwhile, hundreds of thousands of liberal activists marched in Washington and around the world last month to protest Trump's policies.

Like the apathy that settled in around Keystone over time, some conservative Republicans are saying it's not a big deal if Trump decides to stay in.

"You know, I didn't like the way that President Obama got into that, but as I think one of my colleagues has pointed out it doesn't cost us any money, and it doesn't obligate us to do anything," Sen. John Cornyn (R-Texas) said Wednesday. "So it's more an appearances issue."

The Trump administration is in the process of rolling back Obama's rules that limit greenhouse gas emissions from power plants, automobiles and other major sources, while it hurries to open up vast new tracts of federal land and water to fossil fuel development.

Those moves have been cheered in the rural, energy-producing states that helped deliver Trump the presidency — and they will have a profoundly greater effect on whether the planet can avoid potentially catastrophic global warming by the end of the century than whether Trump crosses out Obama's signature on the Paris pact documents filed away at U.N. headquarters.

If Trump decides to keep his pen in his pocket, it would send a begrudging yet powerful signal that the United States acknowledges that climate change is a problem worth addressing. That signal to the markets, combined with ambitious actions underway in Europe and China as well as states like California, would support the ongoing shift toward renewable fuels and natural gas — hindering the coal industry revival Trump so often promised on the campaign trail.

As a result, the future of the Paris deal has taken on outsized importance in the debates over the president's domestic and foreign policy goals.

"I think the people who look more than a few months ahead in the administration and in the conservative movement, and I'd also say in Congress, understand that Paris threatens that whole agenda," Ebell said, predicting Trump would ultimately exit the deal.

"It will be used in litigation by environmental pressure groups to try to stop major pieces of that agenda" because the voluntary pledge Obama submitted specified that policies like the Clean Power Plan and strict vehicle emissions rules were necessary to meet the U.S. emissions reduction target, he added.

When Trump visited the Vatican Wednesday, Pope Francis presented the president with several books, including a copy of Laudato Si, his encyclical demanding a response to the climate crisis. "Well I'll be reading them," Trump said of the books, according to a pool report.

And Vatican Secretary of State Pietro Parolin pressed Trump to stay in the Paris deal when they met, Tillerson said, and the president has not yet made up my mind.

The meeting included "a good exchange the difficulty of balancing addressing climate change, responses to climate change, and ensuring that you still have a thriving economy and you can still offer people jobs so they can feed their families and have a prosperous economy," Tillerson said. He added: "It's an opportunity to hear from people. We're developing our own recommendation on that."

Trump is said to be leaning against remaining in the deal, which he promised to cancel during the campaign. But he has changed his mind on several other issues so far this year, and a decision has been slow in coming amid the divisions within the administration.

"It was pretty clear we were winning" when word began circulating a few weeks ago that Trump would decide on Paris before leaving for his foreign trip, Ebell said. But now, "I think this is a period of great danger."

Anti-Keystone activists also used time to their advantage, and they managed to stretch out the saga for five years after then-Secretary of State Clinton said the administration was "inclined" to support the project in 2010. As a presidential candidate, Clinton was dogged by environmentalists over her refusal to take a stand on the project until she finally came out against it in September 2015. Obama formally rejected Keystone two months later — citing the U.S. efforts to build support for the Paris agreement among his reasons for turning it down.

Ebell said he is not worried about the lack of anti-Paris protesters in the streets because Trump knows "who elected him and why" and understands that Paris will affect the rest of his agenda.

"We're not trying to replicate the methods of the other side," he said. "We're trying to replicate the intensity, but intensity can be demonstrated in a lot of different ways."

Still, Paris supporters are optimistic that the president does not plan to make up his mind until after he returns from the G-7 summit at the end of this week.

"Every day that goes by that they haven't withdrawn is a good day," Sen. Brian Schatz (D-Hawaii) told POLITICO. "He is now in the process of getting an earful wherever he goes. And that's good."

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Brown: Trump will come around on climate change [Back](#)

By Carla Marinucci | 05/24/2017 06:08 PM EDT

SAN FRANCISCO — California Gov. Jerry Brown, one of the Democratic Party's most outspoken critics of Republican climate change policy, said Wednesday he now believes that President Donald Trump is a political "realist" who will likely listen to what Pope Francis, China and other world leaders are saying on the key issue - and that progress under his administration may be "not as disastrous as we thought a few months ago."

Brown cited Trump's meeting with Pope Francis on Wednesday - and the delivery of a papal encyclical on climate change - as one reason for optimism. Other positive signs: China's growing efforts to contain pollution and the effects of global warming, and the Trump administration's approval this week of \$657 million for the electrified Caltrain project in the San Francisco Bay Area.

"President Trump is a realist - and there's nothing more real than the atmosphere and the chemistry that determines our weather and our long-term climate," Brown told reporters at a climate change conference hosted by the Netherlands in San Francisco on Wednesday. "I don't know that he's going to come aboard immediately - but I do know that with our efforts in California, joining with other states and other provinces in the world, that we will be successful in pushing this agenda."

"There will be some bumps in the road," Brown said. "There's a great deal of denial - I see that in some of the people [Trump has] appointed. But I'd say the trend is toward dealing with climate change - and I don't think President Trump will stand in the way of that, ultimately."

The California governor - who has in the past lambasted Republicans as "luddites" on the climate change issue and Trump as a climate change denier - said he took it as a good sign that the president met with Pope Francis and that the two discussed the issue.

"Don't underestimate the power of the Holy Father," Brown said. "The pope is talking about climate change, he's handing him an encyclical ... and there are many conservative leaders in the world who support" efforts to reduce climate change.

The papal encyclical calls for drastic cuts in fossil fuel emissions, and the gift has been viewed as pressure on Trump to not withdraw from the Paris climate accord.

Trump has recently played up his admiration and positive relationship with Chinese President Xi Jinping, and Brown noted that the fact that "China is asserting such a world leadership role" in the matter is key. Brown will head to China next month to meet with Chinese leaders "and further that effort ... and I don't think President Trump will want to stand aside as this climate story unfolds."

Brown also cited the federal funding for Caltrain - the electrification of a commuter rail project that serves tens of thousands of workers daily in Silicon Valley - as a sign of progress, because it comes in spite of objections from GOP Majority Leader Kevin McCarthy and the Republican House delegation.

"Obviously, President Trump had a very different view than Mr. McCarthy," Brown said. While it appeared initially that the project was in danger from the Republican opposition, "that's the wonderful thing about politics - no matter what someone says today doesn't mean they won't change their minds tomorrow."

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Republicans: Montana special election 'closer than it should be' [Back](#)

By Elena Schneider and Gabriel Debenedetti | 05/24/2017 05:17 AM EDT

GREAT FALLS, Mont. — Republican Greg Gianforte's closing motivational speech to voters ahead of Thursday's special House election in Montana is the same thing GOP strategists are whispering in private: "This race is closer than it should be."

It's a recurring nightmare of a pattern for Republicans around the country, as traditional GOP strongholds prove more difficult and expensive for the party to hold than it ever anticipated when President Donald Trump plucked House members like Ryan Zinke, the former Montana Republican now running the Interior Department, for his Cabinet. Gianforte is still favored to keep the seat red, but a state Trump carried by 20 percentage points last year became a battleground in the past few months.

Democrat Rob Quist, a folk singer and first-time candidate, has raised more than \$6 million for his campaign, including \$1 million in the past week alone as energized Democratic donors pour online cash into political causes this year. Quist hopes that enthusiasm also contributes to an outsize turnout — as it did in special elections in Kansas and Georgia earlier this year — for the oddly scheduled Thursday election, happening just before a holiday weekend.

"I remember talking to people when it first started who said this was a slam dunk, Gianforte's it. And it's not there anymore," said Jim Larson, the Montana Democratic Party chairman. "It is a lot closer than people ever thought it would be."

Gianforte, a technology executive, has led consistently in polls for the special election, but Quist has narrowed that lead to single digits in recent weeks, according to private surveys. "Gianforte has an edge, but it's not going to be a slam dunk," said one national GOP strategist.

Republicans have called on Vice President Mike Pence and Donald Trump Jr. to calm their nerves about turnout and prevent Democrats from having the only energized voting bloc in the special election. Both have rallied voters with Gianforte, and Pence recorded a get-out-the-vote robocall. Gianforte, who said little about Donald Trump when Gianforte ran for governor and lost in 2016, has cast himself as a willing and eager partner of the president this time around.

On Tuesday, surrounded by Trump stickers — and some Trump hat-wearing supporters — Gianforte said he was eager "to work with Donald Trump to drain the swamp and make America great again," invoking two of the president's campaign slogans. Pence's robocall may give another boost to Republican turnout efforts.

But the environment has changed since Trump's presidential win last fall. One senior Republican strategist warned that, based on the party's performance in special elections so far, if Republicans "cannot come up with better candidates and better campaigns, this cycle is going to be even worse than anybody ever thought it could be."

"The fact that we're talking about Montana — a super red seat — is amazing," said John Lapp, who led the Democratic Congressional Campaign Committee during the 2006 cycle. "It's also amazing how much money Republicans have to pour into these seats to defend them. It's still a steep climb in Montana, but we know that the reaction there means that there's a tremendous amount of Democratic energy across the country, a tremendous amount of fundraising that will then feed into races that are much fairer fights."

Democrats hope the passage of House Republicans' health care bill just three weeks before the election will put the wind at Quist's back. It has been the subject of Quist's closing TV ads, and he has called the plan "devastating" to Montana.

GOP outside groups have ensured that Republicans have a spending advantage, though, airing more than \$7 million worth of TV ads, versus about \$3 million from Democrats. House Majority PAC, Democrats' main House outside group, on Tuesday added a last-minute \$125,000 TV ad buy to the race, on top of \$25,000 announced last week.

But those ads may have reached a point of diminishing returns in a state that prefers retail politics, said Matt Rosendale, the Republican state auditor.

"The airwaves are saturated, and when people see political commercials come on, they completely block it out. I think there's a lot of money wasted on it," Rosendale said. "It's a necessity in Montana to meet people. You have to be able to go out and meet with them, look them in the eye and answer difficult questions face-to-face."

Operatives in both parties privately grumble about the quality of their candidates, with each arguing their paths to victory might be clearer with a standard-bearer carrying a little less baggage.

Republicans acknowledge that Gianforte has flaws Democrats exploited mercilessly in last year's gubernatorial race, likely cementing negative feelings about him from some voters. Gianforte is dogged by reports that he sued Montana to block access to a stream in front of his ranch, kicking up a public lands dispute that hits home with Montana voters and has "probably followed him into this House race," said Jeff Essman, the state's GOP party chairman.

Democrats, too, acknowledge that Quist isn't without his problems. Republican TV ads repeatedly attack Quist's various personal financial problems, including "a defaulted loan, tax liens, collections, foreclosure notices." Republican groups dug into Quist's medical records and questioned his musical performance at a nudist colony.

"I haven't seen this kind of opposition research on both sides on a House race in a long time," said one Democratic strategist who's worked in the state. "This is what you get when candidates are chosen in a nominating process and there's no vetting. Some people would say Quist is authentic, an outsider, a la Donald Trump, but Quist has a problematic record because he hasn't spent his career in politics being careful."

Quist called in his own big-name reinforcements to activate the Democratic base and cater to the populist streak in the state, as Vermont Sen. Bernie Sanders headlined a handful of rallies alongside Quist last weekend.

It's a gamble, Sen. Steve Daines (R-Mont.) said, that could alienate some in the state, where Trump remains popular.

"Rob Quist is too liberal for Montana — he is very liberal. Democrats who have won statewide in Montana tend to be moderate, and Quist is no moderate," said Daines, who campaigned alongside Gianforte in the final stretch of the race. "Who did he parade across Montana this weekend? Bernie Sanders."

To view online [click here](#).

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Montana House GOP candidate cited after reporter says he 'body-slammed me' [Back](#)

By Hadas Gold and Gabriel Debenedetti | 05/24/2017 08:36 PM EDT

HELENA, Mont. — Montana Republican congressional candidate Greg Gianforte was issued a citation late Wednesday after he allegedly "body-slammed" a reporter at a campaign event on the eve of a hotly contested special election.

Ben Jacobs, a reporter for The Guardian [tweeted](#) that Gianforte "body-slammed me and broke my glasses" at a campaign event in Bozeman, Montana — minutes before what was to be the last campaign rally of the campaign. Jacobs said he had asked Gianforte about a new budget analysis of House Republicans' effort to repeal and replace the Affordable Care Act.

Late Wednesday, Gallatin County Sheriff Brian Gootkin issued a statement saying the Republican congressional candidate had been cited for "misdemeanor assault" and that Gianforte would have to appear in court by June 7 to resolve the matter. "The nature of the injuries did not meet the statutory elements of felony assault," the sheriff said in his statement.

The incident rocked a closely watched contest, just hours before voters cast their ballots in Thursday's special House election in Montana to replace Ryan Zinke, who is now the Trump administration's secretary of the interior. Gianforte, a technology executive, is running against Democrat Rob Quist, a folk singer and first-time candidate. The race in the traditional Republican stronghold is [turning out to be closer](#) than many thought it would be.

The encounter on election eve immediately captured statewide and even national attention. At least one local station interrupted prime-time programming for a breaking news report and reports bannered all of Montana's biggest newspapers.

[The Billings Gazette](#) subsequently rescinded its endorsement of the Republican candidate, saying: "We're at a loss for words." The newspaper added: "We will not stand by that kind of violence, period."

Gianforte's campaign acknowledged an incident but offered a starkly different version of events — one contradicted by witnesses and by audio posted by The Guardian. Gianforte spokesman Shane Scanlon blamed Jacobs for being "aggressive" as he asked questions and for creating a scene.

"Tonight, as Greg was giving a separate interview in a private office, The Guardian's Ben Jacobs entered the office without permission, aggressively shoved a recorder in Greg's face, and began asking badgering questions. Jacobs was asked to leave," Scanlon said.

"After asking Jacobs to lower the recorder, Jacobs declined. Greg then attempted to grab the phone that was pushed in his face. Jacobs grabbed Greg's wrist, and spun away from Greg, pushing them both to the ground. It's unfortunate that this aggressive behavior from a liberal journalist created this scene at our campaign volunteer BBQ."

Audio of the incident posted by The Guardian seemed to directly contradict the Gianforte campaign's version, as did a number of witnesses — including a Fox News crew that was in the room during Wednesday's incident.

Alicia Acuna wrote on Fox News' website that she and a crew were preparing for an interview with Gianforte when Jacobs walked into the room, produced a voice recorder and asked Gianforte a question. After Gianforte rebuffed Jacobs, and Jacobs asked a follow-up question, Gianforte grabbed him by the neck, Acuna wrote.

"Gianforte grabbed Jacobs by the neck with both hands and slammed him into the ground behind him," she wrote. "Faith, Keith and I watched in disbelief as Gianforte then began punching the man, as he moved on top the reporter and began yelling something to the effect of 'I'm sick and tired of this!'"

In audio of the incident, Gianforte can clearly be heard getting upset. In it, Jacobs asks Gianforte about the Republican health care bill. Gianforte tells him, "Let me talk to you about that later" as Jacobs continues trying to ask a question. "Speak with Shane," Gianforte says, referring to his spokesman.

"The last guy did the same damn thing," Gianforte says.

"You just body-slammed me and broke my glasses," Jacobs says.

"Get the hell out of here," Gianforte yells.

Gootkin, the sheriff, initially declined to file charges, saying that he had not yet listened to full audio of the incident. He subsequently issued a citation.

In March, Gootkin donated \$250 to Gianforte's campaign, according to an FEC filing.

"After the press conference it was brought to my attention that people were commenting on a contribution that I made to the Gianforte campaign. I did contribute \$250.00 on March 23, 2017. This contribution has nothing to do with our investigation which is now complete," the sheriff stated.

The sheriff said charges followed multiple interviews and an investigation by the Gallatin County Sheriff's Office. He said it was a misdemeanor based on "the nature of Jacobs' injuries."

Other reporters on the scene confirmed via Twitter that they witnessed some sort of altercation between the two.

"I'm not sure I've seen anything like this before," BuzzFeed reporter Alexis Levinson, who was on the scene, tweeted in a long thread. "This happened behind a half-closed door, so I didn't see it all, but here's what it looked like from the outside. Ben walked into a room where a local TV crew was set up for an interview with Gianforte. All of a sudden, I heard a giant crash and saw Ben's feet fly in the air as he hit the floor."

"Ben walked out holding his broken glasses in his hand and said: 'He just body-slammed me,'" Levinson continued.

Whitney Bermes, a reporter for the Bozeman Daily Chronicle, tweeted that the police were called to the scene. The Daily Chronicle also reported that Jacobs was treated by an ambulance on the scene, and Bermes later tweeted that one person was transferred to the hospital.

"Gianforte sitting in a Jeep. Sheriff's deputies were talking to him earlier. Now a medic is at the window talking with him," Bermes also tweeted.

Gianforte then left the event before he was scheduled to speak, according to reporter tweets.

In an interview, Jacobs told MSNBC he approached Gianforte and asked him about the Congressional Budget Office's score of the House bill to repeal and replace the Affordable Care Act.

"It was the strangest moment in my entire life reporting," Jacobs said.

He said after calling his editor and police, he went to the hospital to have X-rays because he fell on his elbow.

The Guardian, in a statement released late Wednesday, said it stood by its reporter.

"The Guardian is deeply appalled by how our reporter, Ben Jacobs, was treated in the course of doing his job as a journalist while reporting on the Montana special election," U.S. editor Lee Glendinning said. "We are committed to holding power to account, and we stand by Ben and our team of reporters for the questions they ask and the reporting that is produced."

The Democratic Congressional Campaign Committee called on Gianforte to drop out of the race "after his alleged violent assault of an innocent journalist," spokesman Tyler Law said.

Quist declined to comment on the news after his first Missoula event of the evening, then also didn't address it at his second, a quick rally to thank his supporters at a brewery.

The candidate instead walked on stage, joined his opening act for a song, and repeated much of his stump speech for roughly seven minutes. He then walked off the stage and again declined to answer questions about Gianforte.

Elena Schneider and Cristiano Lima contributed to this report.

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Senate fails to advance methane CRA [Back](#)

By Ben Lefebvre | 05/10/2017 10:33 AM EDT

Republicans may have seen their last chance to easily overturn an Obama-era regulation disappear this morning after the Senate failed to advance legislation to repeal an Obama-era rule on methane emissions.

Senators voted 49-51 against a procedural measure to take up the Congressional Review Act resolution reversing the BLM regulation tightening limits on methane leaking from oil wells and pipelines. This week is the last chance for Senate Republicans to block late Obama-era regulations under special CRA rules that block CRA resolutions from being filibustered. Sens. [Susan Collins](#), [John McCain](#) and [Lindsey Graham](#) joined all Democrats in voting against the motion.

Oil companies have fought to repeal the rule, arguing it would raise their cost of doing business. Democrats and environmentalists have said the rule would increase the amount of methane sold on federal lands, increasing royalty payments into federal coffers.

WHAT'S NEXT: The failed vote prevents Congress from easily reversing the BLM methane rule, but President Donald Trump has directed his administration to review and possibly revise it.

To view online [click here](#).

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House clears bill exempting pesticides from Clean Water Act permitting [Back](#)

By Annie Snider | 05/24/2017 05:15 PM EDT

The House today has again approved a measure to exempt pesticide applicators from Clean Water Act permitting requirements.

Lawmakers voted 256-165 in favor of Rep. [Bob Gibbs](#)' Reducing Regulatory Burdens Act, similar versions of which have been passed multiple times in the past, but failed to gain traction in the Senate.

Proponents of the bill say that Clean Water Act permitting requirements are duplicative and burdensome, since pesticides must also be registered under the Federal Insecticide, Fungicide, and Rodenticide Act. They also say it hinders the response to public health dangers like mosquitoes carrying the Zika virus.

But Democrats opposing the bill contested both arguments, saying the Clean Water Act requirements are not duplicative since nothing in FIFRA limits the use of pesticides in

waterways that are already polluted with too many pesticides. They also point out that applicators can fill out permitting paperwork after the fact when there is a pest emergency.

WHAT'S NEXT: Consideration of the pesticide permitting issue moves to the Senate. Although the House has passed similar measures multiple times since a 2009 court ruling mandating the Clean Water Act permits, the Senate has not acted on them.

To view online [click here](#).

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This email was sent to jackson.ryan@epa.gov by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA

Message

From: Jackson, Ryan [jackson.ryan@epa.gov]
Sent: 5/18/2017 1:35:00 PM
To: Chmielewski, Kevin [chmielewski.kevin@epa.gov]
Subject: Fwd: E&E News: Pruitt to meet with pro-Paris ministers, 5/18/17

Is it too late to get Mandy on the Paris trip?

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6 - Personal Privacy

Begin forwarded message:

From: "McGonagle, Kevin" <mcgonagle.kevin@epa.gov>
Date: May 18, 2017 at 9:30:04 AM EDT
To: AO OPA OMR CLIPS <Ex. 6 - Personal Privacy>
Subject: E&E News: Pruitt to meet with pro-Paris ministers, 5/18/17

E&E News

<https://www.eenews.net/climatewire/2017/05/18/stories/1060054735>

Pruitt to meet with pro-Paris ministers

By Niina Heikkinen 5/18/17

Scott Pruitt will be heading to a Group of Seven meeting in Italy early next month where he will come head-to-head with environmental ministers strongly in favor of international climate action.

The U.S. EPA administrator has publicly broadcast his denial of climate change and opposition to the United States' participation in the Paris Agreement. He has urged President Trump to pull out of the agreement, over the objections of much of the country and the international community. On June 10 and 11, Pruitt will sit down with six of his foreign counterparts who sharply oppose his views.

"I think further exposure of Mr. Pruitt to his counterparts in other countries will definitely help him better understand the issue," said Jonathan Pershing, the former deputy special envoy for climate change at the State Department under President Obama, in an email.

"I certainly hope that will lead him to decide to support remaining in this critical part of the global climate regime, instead of advocating for U.S. withdrawal," he added.

Pruitt's trip will follow that of the president, who will be making his first trip abroad since taking office. In an interview on "Fox & Friends" yesterday morning, Pruitt said Trump would "probably" come to a decision about whether or not to stay in the Paris Agreement after he attends the G-7 meeting at the end of this month.

The White House has not specified whether that announcement on Paris will come before or after Pruitt attends the G-7 meeting. EPA also has not provided details of what Pruitt plans to focus on in the meeting.

The timing of Trump's decision will determine the meeting's broader importance, said Alden Meyer, director of strategy and policy at the Union of Concerned Scientists. Typically, this meeting would happen before, not after, the leaders' summit, he added.

"No one really knows when the president will make up his mind on this, and whether or not it's a done deal by the time the environment ministers get together," said Meyer. "That being said, I don't think the other environment ministers will have much success in changing his stance on climate change."

If the United States does withdraw from the Paris Agreement during the G-7 leaders' summit at the end of the month, it's hard to say how much that decision will reverberate in the environmental ministers' meeting. It is possible that some of the attention would be taken away from Pruitt. Conversely, if the United States announces it will stay in but won't meet its emissions reduction targets, Pruitt could face questions from his counterparts, said Meyer.

He noted that the other G-7 countries are aware of the *Massachusetts v. EPA* Supreme Court ruling, as well as EPA's endangerment finding for greenhouse gases.

"I think they would have some questions for him about what his climate strategy was to meet the Supreme Court decision on the endangerment finding, if it's not the Clean Power Plan and other regulations that he and the president have announced they would like to roll back," he said.

Kevin McGonagle
Office of Media Relations Intern
U.S. Environmental Protection Agency
Telephone: (202)-564-4524
mcgonagle.kevin@epa.gov

Message

From: Jackson, Ryan [jackson.ryan@epa.gov]
Sent: 5/18/2017 10:19:58 AM
To: Lyons, Troy [lyons.troy@epa.gov]; Greaves, Holly [greaves.holly@epa.gov]
Subject: Fwd: Morning Energy: Sharp grilling expected for Bernhardt today — Simpson signals CR likely — Carper slams Pruitt for inadequate letter response

He is a pretty good barometer.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6 - Personal Privacy

Begin forwarded message:

From: "POLITICO Pro Energy" <politicoemail@politicopro.com>
Date: May 18, 2017 at 5:47:29 AM EDT
To: <jackson.ryan@epa.gov>
Subject: Morning Energy: Sharp grilling expected for Bernhardt today — Simpson signals CR likely — Carper slams Pruitt for inadequate letter response
Reply-To: "POLITICO subscriptions" <reply-fe8812767767037a7d-630326_HTML-786581600-1376319-0@politicoemail.com>

By Anthony Adragna | 05/18/2017 05:42 AM EDT

With help from Nick Juliano and Darius Dixon

YOU'RE UP, BERNHARDT: Expect Democrats on the Senate Energy and Natural Resources Committee to pepper President Donald Trump's selection for the number two position at Interior, Dave Bernhardt, with questions about how he'll juggle conflicts of interests stemming from his work as an energy and water policy lobbyist when his confirmation hearing gavel in today, Pro's Ben Lefebvre and Esther Whieldon report. "He's spent most of his time representing oil companies and folks who have everything but the environment as a priority," Sen. Tammy Duckworth said. Bernhardt is also expected to face scrutiny over a series of scandals at Interior during his previous stint as its chief of staff and solicitor during the George W. Bush administration. It's worth noting that despite Trump's promise to "drain the swamp" of industry influence and money, Bernhardt, whose lobbying clients included Freeport LNG and the Westlands Water District, is the latest to come right from K Street.

Republicans and energy groups are thrilled with the pick. "David is an excellent choice," said Kathleen Sgamma, spokeswoman for trade association Western Energy Alliance. "His range of experience makes him very well suited for the job." And though they acknowledge Bernhardt's previous work at Interior is likely to prompt fierce questioning from Democrats today, backers aren't worried about anything ultimately derailing his nomination. "They won't find any 'there' there," an industry source who worked closely with Bernhardt said.

If you're going: The hearing kicks off at 10:15 a.m. in Dirksen 366. Sen. Cory Gardner will introduce Bernhardt.

CR-ISTMAS SEASON COMES EARLY: House Appropriations Energy and Water Chairman Mike Simpson thinks Congress is heading toward a yearlong stopgap spending bill for fiscal 2018, thanks to the Trump administration's proposal to make deep cuts to the federal government and the slow deliberation on spending levels for next year. "It's gonna be a very difficult year. And that's why I think — and the rest of the appropriators, and the chairman will probably kill me — we're into a CR for 2018," Simpson said.

Trump's "skinny" budget from March proposed eliminating several Energy Department programs, such as ARPA-E and the loan office, while suggesting big cuts to large divisions devoted to renewable energy and nuclear research. Anything similar in the fuller version expected out next week likely isn't going anywhere in the House, Simpson said. "If they're going to try to deal with the numbers — as the Trump budget dictates — we can't pass those," he told reporters, pointing to steep cuts to DOE science and energy programs. Pro Budget & Appropriations Brief's Sarah Ferris has more on the forthcoming spending fight here.

WELCOME TO THURSDAY! I'm your host Anthony Adragna, and DOE's Diane Meck correctly picked Hawaii and Arizona as the two states that don't follow daylight savings time. For today: What U.S. city is home to the only McDonald's arches painted turquoise? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter [@AnthonyAdragna](https://twitter.com/AnthonyAdragna), [@Morning_Energy](https://twitter.com/Morning_Energy), and [@POLITICOPro](https://twitter.com/POLITICOPro).

CARPER PUSHES PRUITT AFTER NONRESPONSIVE LETTER: Top Senate EPW Democrat Tom Carper renewed his push for information from EPA Administrator Scott Pruitt on how he'd dismantle the Clean Power Plan and implement a replacement after receiving inadequate responses. "Because your letter does not respond to our requests for information and documents, I ask you again to respond in full so that Congress can perform its oversight responsibilities," he wrote in the Wednesday letter. That came after Pruitt's initial response to the April letter from nearly two dozen Senate Democrats included little more than copies of two press releases and a publicly available letter. More from your ME host on that first EPA response here.

Pruitt speaks publicly: Pruitt delivers public remarks tonight from 5-7 p.m. at The Hoover Institution. His speech will focus on "his vision for the EPA, Congress and federalism," according to the group.

ME FIRST — SENATE REPUBLICANS FOR ENERGY RESEARCH: Six Senate Republicans — Lamar Alexander, Susan Collins, Cory Gardner, Lindsey Graham, Lisa Murkowski and Mike Rounds — are sending a letter to Trump this morning urging him to continue to fund energy research programs at DOE. "Governing is about setting priorities, and the federal debt is not the result of Congress overspending on science and energy research each year," they write.

ENERGY TALK ON 'PUTIN PAYS' CALL: House Republican leaders were discussing Russian interference in Ukrainian energy markets, among other topics, in the moments before House Majority Leader Kevin McCarthy aired his theory — in jest, he now says — that Trump was on Vladimir Putin's payroll. That's according to a partial transcript of the June 15, 2016 conversation behind Wednesday's Washington Post scoop.

House Speaker Paul Ryan was recounting a meeting earlier that day with Ukrainian Prime Minister Volodymyr Groysman. Ryan said the prime minister listed "messing with our oil and gas energy" among the many ills Russia had inflicted on Ukraine and would spread elsewhere. As the discussion continued, Rep. Cathy McMorris Rodgers noted the sophistication of Russian

propaganda. "Not just in Ukraine," said McMorris Rodgers, the fourth-ranking GOP leader. "They were once funding the NGOs in Europe. They attacked fracking."

BISHOP WORRIED ABOUT TRUMP CRISES: House Natural Resources Chairman Rob Bishop told reporters Wednesday the flurry of allegations about Trump leaking classified information to the Russians and asking the FBI to drop its investigation into former national security adviser Michael Flynn could impede his ability to move his agenda. "That has the potential of sucking the air out," he said.

Praise for Zinke's trip: Bishop lauded Interior Secretary Ryan Zinke for going "above the call of duty" in visiting the site of the contentious Bears Ears National Monument last week in Utah. "All he was required by the executive order was just to review the process," he said. "He actually went there and talked to local officials for the first time." (The only downside of the visit, Bishop said, was a bag carrying his hiking equipment never made it, so he had to hike in dress shoes.) There are no current plans to have Zinke testify on the administration's review of dozens of Antiquities Act designations.

Still anxious over vacancies: Bishop expressed relief some Interior vacancies were finally being filled, but said Zinke indicated the White House ethics office was responsible for the slow pace. "He wants to have more people done quickly and I think he's frustrated with the slow pace as well. I don't blame him. I would be as well," he said.

NO GREEN GROUP MEETINGS FOR ZINKE: Over his first several months in office, Zinke met with the fossil fuel industry, water and sportsman groups and tribal leaders, but did not break bread with environmental groups, Pro's Esther Whieldon and Annie Snider report. Among the most notable meetings was one April 4 discussing the BLM's methane venting and flaring rule with more than a dozen CEOs and others from the Domestic Energy Producers Alliance, including Continental Resource's Harold Hamm. Other energy executives Zinke met with include Exxon Mobil's Darren Woods and Dominion Energy's Thomas Farrell.

MAIL CALL! COMPANY RESPONDS TO ROVER SPILL! Energy Transfer Partners sent its own letter to FERC outlining its response to the inadvertent release of drilling mud from the Rover Pipeline, affirming it did not take the incident lightly and pledging to work with local officials to "enhance and use best management practices to try and prevent future inadvertent returns from occurring" as the pipeline is finished. The spill of some two million gallons of drilling fluid into an Ohio wetland prompted FERC to halt some drilling activities along the route, though the company said all impacted areas were isolated and contained within hours of the release.

GRASSLEY CRIES FOUL OVER DOE GRID STUDY: Iowa Sen. Chuck Grassley wants to know whether Energy Secretary Rick Perry's ongoing grid study is predisposed to undermine wind power, Pro's Eric Wolff reports. "I'm concerned that a hastily developed study, which appears to pre-determine that variable, renewable sources such as wind have undermined grid reliability, will not be viewed as credible, relevant or worthy of valuable taxpayer resources," he wrote in a letter sent Wednesday.

SENATORS URGE STRONG LWCF FUNDING: A bipartisan group of 48 senators sent a letter Wednesday to appropriators urging strong funding for the Land and Water Conservation Fund as fiscal 2018 negotiations begin. "The programs funded by the LWCF, including Forest Legacy, the state-side program, endangered species grants, and battlefield protection, provide a diverse array of conservation tools to address national, state, local and regionally driven priorities across the country," they wrote.

DEEPWATER VETS OPPOSE DRILLING ORDER: The leaders of a federal panel formed to find ways to improve offshore drilling policies in the wake of the BP oil spill are warning against Trump's executive order seeking to open up Atlantic and Arctic offshore drilling. "After extensive research and analysis of offshore oil and gas drilling operations in offshore waters, we hold the unanimous view that weakening safety rules, developing an overly aggressive leasing schedule, and putting vulnerable, ecologically rich and economically important frontier areas at risk is unwise," write former EPA Administrator William K. Reilly and former Sen. Bob Graham in a [letter](#) to Zinke released Wednesday by Oil Spill Commission Action. Graham and Reilly were co-chairs of the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling, which then-President Barack Obama established in 2010.

CHAMBER ENTERS RACE FOR ZINKE'S SEAT: Amid the ongoing White House turmoil, the U.S. Chamber of Commerce is pouring \$200,000 into a last-minute ad blitz backing Republican candidate Greg Gianforte in the race for Interior Secretary Ryan Zinke's seat, POLITICO Alex Isenstadt [reports](#). The ads hit Montana airwaves today and run through the election on May 25.

REPORT: PUSHING THE CLEAN ENERGY ECONOMY: Congressional Democrats on the Joint Economic Committee are out with [the first](#) in a series of reports this morning arguing the clean energy sector can generate millions more jobs and pushing for Congress "to ensure that American companies and workers are the ones producing and exporting the technology and products that meet this demand."

QUOTABLE: Trump during his remarks at the Coast Guard Academy commencement speech: "I've loosened up the strangling environmental chains wrapped around our country and our economy, chains so tight that you couldn't do anything — that jobs were going down. We were losing business. We're loosening it up."

TOP FRENCH ENVIRONMENTAL POST FILLED: Newly elected French President Emmanuel Macron named environmentalist [Nicolas Hulot](#) energy and environment minister Wednesday, POLITICO Europe's Marion Solletty [reports](#). That move sent shares in EDF, the country's nuclear utility, down nearly 6.5 percent as Hulot called a nuclear phase-out "a priority" in the aftermath of Japan's Fukushima disaster. Macron supports a policy of cutting France's share of electricity produced by nuclear power to 50 percent.

QUICK HITS

- Kansas Researchers Say Climate Change Will Deteriorate Midwest Water Quality. [HPPR](#).
- Resolution Passes in Kalamazoo to Shut Down Pipeline. [AP](#).
- U.S. industry seeks faster permits, simpler rules in Trump regulation reset. [Reuters](#).
- Why Coal Still Has Clout in the Commonwealth. [WVTF](#).
- Fracking is encroaching on US nuclear missile sites, general says. [Washington Examiner](#).
- U.S. prepares to sue Fiat Chrysler over excess diesel emissions. [Automotive News](#).

HAPPENING TODAY

10:00 a.m. — House Natural Resources Committee hearing on water rights and western power, 1324 Longworth

10:00 a.m. — "Building a 21st Century Infrastructure for America: Improving Water Quality through Integrated Planning," House Transportation and Infrastructure Subcommittee on Water Resources and Environment, 2167 Rayburn

10:15 a.m. — Hearing on nomination of Bernhardt for deputy Interior secretary, Senate Energy and Natural Resources, Dirksen 366

5:00 p.m. — "Returning to 'EPA Originalism': A conversation with EPA Administrator Scott Pruitt," Hoover Institution, 1399 New York Avenue, NW, Suite 500

THAT'S ALL FOR ME!

To view online:

<https://www.politicopro.com/tipsheets/morning-energy/2017/05/sharp-grilling-expected-for-bernhardt-today-022889>

Stories from POLITICO Pro

Democrats to pound Interior nominee for energy lobbying Back

By Ben Lefebvre and Esther Whieldon | 05/17/2017 06:35 PM EDT

President Donald Trump's nominee for the Interior Department's No. 2 spot, Dave Bernhardt, will face fire from Democrats on Thursday over his ties to the energy industry and the scandals that plagued the agency during his previous stint there.

Bernhardt is set to get grilled by the Senate Energy and Natural Resources Committee about how he plans to help steer the department in the role of deputy secretary. He's the latest nominee to the Trump administration to come straight out of the lobbying industry, despite the president's promise to "drain the swamp" of industry influence and money.

Bernhardt, a Colorado native, worked until his nomination as a lobbyist for Brownstein Hyatt Farber Schreck, representing Delta Petroleum, Freeport LNG, and other oil and mining companies, according to disclosure forms. While Democrats on the committee don't have the votes to stop him from winning approval, they said they do plan to use his background as ammunition in the process.

Ranking member Maria Cantwell (D-Ore.) and Sen. Debbie Stabenow (D-Mich.) both said they had concerns about Bernhardt's former job. Cantwell said she would push Bernhardt on how he planned to juggle those potential conflicts of interests, and whether he should keep himself out of key issues for longer than one year.

"Conflict of interest, a lot of issues related to that," Cantwell said, listing her concerns. "A lot of things he'll have to recuse himself on."

Sen. Tammy Duckworth (D-Ill.) said she was leaning toward a no vote on his nomination because of his lobbying ties, though she said Bernhardt had "pleasantly surprised" her by seeking an office visit. Her office did not schedule the meeting, according to Interior Department emails.

"He's spent most of his time representing oil companies and folks who have everything but the environment as a priority," Duckworth told POLITICO.

Still, Republicans who have been pressing for the U.S. to grow its oil and gas output are expected to back Bernhardt, though several GOP committee members declined to comment ahead of the hearing. Chairwoman Lisa Murkowski said in a prepared remark that she "welcomed" his nomination and looked forward to discussing with him the urgent need to increase energy production in her home state of Alaska.

Energy companies also applauded his nomination.

"David is an excellent choice," said Kathleen Sgamma, spokeswoman for trade association Western Energy Alliance. "His range of experience makes him very well suited for the job."

Besides energy companies, Bernhardt also lobbied for several major players in California's water wars, including Cadiz, Inc., a company vying to build a controversial pipeline pumping water from a fragile desert aquifer to southern California users.

If confirmed, Bernhardt would be poised to play a key role in implementing a deal he won for client Westlands Water District. He led Westlands' years-long efforts to strike an agreement between California House Republicans and Sen. Dianne Feinstein (D-Calif.) to relax endangered species protections in the Sacramento-San Joaquin Bay-Delta.

The final deal, which passed in the Senate's final act of business last December, enables the district to pump larger volumes of water to central and southern California farms and communities, a top priority for the water district that serves some of the Golden State's largest and most water-dependent growers.

Also likely to come up in hearings is Bernhardt's history working in a number of high-ranking Interior positions during the George W. Bush administration, including chief of staff as well as the department's solicitor, its chief legal watchdog.

That period was marked by a series of scandals at the department, including a deputy secretary going to jail for offering inside information to lobbyist Jack Abramoff.

The Bush Interior Department was also hit with several ethics complaints and at least three separate inspector general investigations into whether the department had inappropriate ties with the industry it was supposed to help regulate.

A Fish and Wildlife deputy assistant secretary was investigated for directing subordinates to alter documents to make them more friendly to industry, and, former Secretary Gale Norton was alleged to have helped Shell win Colorado oil leases before leaving the agency to work for the oil company.

And Bernhardt's time at Interior also coincided with the Minerals Management Service awarding contracts to businesses created by outgoing employees, as well as the scandal around MMS employees who engaged in drug use and had sexual relations with members of the industry they were overseeing.

An industry source who worked closely with Bernhardt said the previous stint at Interior may provide grist for Democrats on the committee but would not find any material that would derail the nomination.

"They won't find any 'there' there," the source said.

Environmental groups have pointed to Interior's record during Bernhardt's time as solicitor and said it bodes ill for what they would expect from the department under Trump.

In particular, Bernhardt's appointment would further signal that Interior intends to open up more public land to private industry, said Chris Saeger, executive director of the Western Values Project.

"The Bush Interior Department was a front group for oil and gas industry. This is not a good sign and is not consistent with what we've heard from Secretary [Ryan] Zinke," Saeger said of the nomination.

Annie Snider contributed to this report.

This report was updated with new information about the meeting with Duckworth's office.

To view online [click here](#).

[Back](#)

Simpson: Yearlong stopgap most likely for fiscal 2018 [Back](#)

By Sarah Ferris | 05/17/2017 04:28 PM EDT

Rep. [Mike Simpson](#) warned this afternoon that the GOP's fractious divide on spending levels will likely force Congress into a yearlong stopgap spending bill.

"The rest of the appropriators and chairmen will probably kill me, but, I think we're into a CR for 2018," the chairman of the House Appropriations Subcommittee on Energy and Water told reporters.

Simpson (R-Idaho) said infighting over President Donald Trump's proposed spending cuts could make it politically impossible for the GOP to find a path forward on fiscal 2018 appropriations bills, which are due in September.

"This is [OMB Director Mick] Mulvaney's budget," Simpson said. "Like I want to go home after voting against Meals on Wheels and say 'Oh it's a bad program, keeping seniors alive.'"

Simpson, whose bill is typically the first to land on the House floor, said he is already instructed his staff to start a list of potential add-ons to the current spending package in case it's extended this fall.

"The best thing we might be able to do for the agencies and their funding is actually do a CR for the full year," Simpson said.

Doubting his own fiscal 2018 bill will come to the floor, Simpson said he may not even hold hearings this year. Asked about calling on Cabinet members to testify, he put his hand to his ear to resemble a phone and said: "The hearings will be, 'Hey buddy, whadda ya think about that?'"

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Carper slams Pruitt over inadequate answers on climate plans [Back](#)

By Anthony Adragna | 05/17/2017 04:09 PM EDT

EPA Administrator Scott Pruitt responded to a letter from nearly two dozen Senate Democrats seeking details on his plans to review the Clean Power Plan with little more than copies of two press releases and a publicly available letter, drawing a sharp rebuke from Sen. [Tom Carper](#).

"Either Mr. Pruitt mistakenly believes that forwarding past press releases is a sufficient response or he doesn't have a plan to protect Americans from greenhouse gas emissions," Carper, the top Democrat on the Environment and Public Works Committee, told POLITICO in a statement accompanying a copy of Pruitt's [response](#).

"The job of the EPA is to protect public health and the environment," Carper added. "To Mr. Pruitt, I say do your job."

In their original April 7 letter, 23 Senate Democrats asked Pruitt to explain how he'd go about dismantling the Clean Power Plan and what kind of rule he would put in its place, given the agency's obligation to regulate greenhouse gases. They also asked for copies of all documents "related to any decision you take in EPA's review or under the Executive Order with respect to the Clean Power Plan."

That letter further asked Pruitt for the scientific sources he used as the basis for his ([false](#)) conclusion during a March television appearance that carbon dioxide is not the primary driver of global warming. Pruitt's response included a paragraph explaining President Donald Trump's late March [executive order](#) and nothing more of substance.

WHAT'S NEXT: EPA is reviewing the Clean Power Plan to decide whether to suspend, revise or rescind the rule.

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Zinke's calendar shows meetings with fossil fuel, water, outdoor industry groups [Back](#)

By Esther Whieldon and Annie Snider | 05/17/2017 04:40 PM EDT

Interior Secretary Ryan Zinke met with the fossil fuel industry, water and sportsman groups and tribal leaders in his first two months in office — but no environmental groups.

According to Zinke's calendars for [March](#) and [April](#) posted online by the agency today, the secretary spent an hour on April 4 discussing the Bureau of Land Management's methane venting

and flaring rule with more than a dozen CEOs and others from the Domestic Energy Producers Alliance, including Continental Resource's Harold Hamm.

Zinke met with a number of other energy executives over the two months, including Exxon Mobil's Darren Woods and Dominion Energy's Thomas Farrell.

Zinke also sat down with Navajo Nation officials including President Russell Begaye and Arizona Gov. Doug Ducey's chief of staff Kirk Adams on April 12, two weeks before President Donald Trump signed an executive order directing the Interior Department to review nearly two dozen national monuments including Bears Ears in Utah, which the Navajo nation wants left intact. Zinke met with Utah Gov. Gary Herbert and the Utah delegation in the Capitol on April 27, two days after Trump issued his order.

Zinke's calendar is also heavy with meetings on California water and endangered species — among the more technically complex and politically contentious issues in Interior's portfolio.

And the secretary discussed public lands and forest management issues with a number of associations, including the National Fish and Wildlife Foundation and the board of directors of the National Alliance of Forest Owners.

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Grassley presses Perry on DOE grid study [Back](#)

By Eric Wolff | 05/17/2017 04:52 PM EDT

Sen. [Chuck Grassley](#) (R-Iowa) is pressing Energy Secretary Rick Perry for answers about whether the agency's grid study is predisposed to undermine wind power.

"I understand you set a mid-June deadline for the study," Grassley wrote in a [letter](#) sent today. "I'm concerned that a hastily developed study, which appears to pre-determine that variable, renewable sources such as wind have undermined grid reliability, will not be viewed as credible, relevant or worthy of valuable taxpayer resources."

Grassley's letter raises several questions about Perry's study, including whether he has hired any contractors, is collaborating with FERC, NERC or other grid reliability organizations, or will submit a draft for public comment.

Grassley says that Perry [asked](#) for the study in April 19 with a deadline of June 18, but that a similar assessment conducted by the National Renewable Energy Lab took two years.

The grid-reliability study would focus on the evolution of wholesale electricity markets and whether wholesale energy and capacity markets are adequately paying baseload power sources like coal and natural gas plants. It will also look at how regulations might be pushing those plants into retirement.

Perry's home state of Texas is the No. 1 state for wind generation, followed by Iowa.

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Republicans pour late cash into Montana special election [Back](#)

By Alex Isenstadt | 05/17/2017 05:37 PM EDT

With the White House enveloped in crisis, a Republican-friendly group is rushing a last-minute \$200,000 ad buy onto the Montana airwaves ahead of next week's special congressional election.

The U.S. Chamber of Commerce will air TV commercials boosting Republican candidate Greg Gianforte. The spots will begin running on Thursday and will last through the election on May 25, one week later.

It's the first investment the Chamber has made in the race. Over \$8 million has been spent on the Montana special, most of it in support of Gianforte. Two conservative outside groups, the National Republican Congressional Committee and the Congressional Leadership Fund, have combined to spend around \$3.5 million to date.

Democratic groups, seeing the race for the conservative-leaning seat as a reach, have largely stayed out of the contest.

Gianforte, a technology executive, is facing off against Democrat Rob Quist, a folk singer and first-time candidate. The two are vying to replace Republican Ryan Zinke, who resigned from the seat earlier this year to become Secretary of the Interior.

Republicans remain confident they will hold onto the seat. But Gianforte has stumbled in recent weeks, giving conflicting answers about his support for the health care bill passed by House Republicans.

A GOP loss in a state President Donald Trump won by more than 20 points in 2016 would send shockwaves through the national political landscape, energizing Democrats and raising questions about Trump's impact on congressional Republicans.

Republicans, concerned about the race and looking to gin up turnout, have dispatched high-profile surrogates. Donald Trump Jr. and Vice President Mike Pence have stumped for Gianforte in recent weeks.

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Yes, very

Somewhat

Neutral

Not really

Not at all

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Morning Energy. To change your alert settings, please go to
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POLITICOPRO

**This email was sent to jackson.ryan@epa.gov by: POLITICO, LLC 1000 Wilson Blvd.
Arlington, VA, 22209, USA**

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 5/9/2017 4:36:55 PM
To: Schwab, Justin [schwab.justin@epa.gov]
Subject: RE: CPP (revised withdrawal proposal)

The bus will meet you here too.

From: Schwab, Justin
Sent: Tuesday, May 9, 2017 12:36 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Re: CPP (revised withdrawal proposal)

My bus is due to get in to union station at 11:40 so I'll be there

Sent from my iPhone

On May 9, 2017, at 12:35 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

1:30 Wednesday is high noon.

From: Schwab, Justin
Sent: Tuesday, May 9, 2017 12:24 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Hupp, Sydney <hupp.sydney@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>
Subject: Re: CPP (revised withdrawal proposal)

Please provide any comments or redline rewrites by the end of the day today (Tuesday) so I can incorporate in time for meeting tomorrow afternoon

Sent from my iPhone

On May 8, 2017, at 9:29 PM, Schwab, Justin <schwab.justin@epa.gov> wrote:

Please find attached. Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Jackson, Ryan
Sent: Monday, May 8, 2017 8:34 PM
To: Schwab, Justin <schwab.justin@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Hupp, Sydney <hupp.sydney@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>
Subject:

We need to get back on the Administrator's calendar for Wednesday afternoon or Thursday morning to talk CPP. Syd, are there meeting we can bump?

However, we need the new streamlined plan to present when we do it.

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency

Ex. 6 - Personal Privacy

<FOR SP EDIT 5.8.2017 CPP Proposal.FR Notice.4.21.17.draft.docx>

Message

From: Jackson, Ryan [jackson.ryan@epa.gov]
Sent: 5/4/2017 9:48:01 PM
To: Freire, JP [Freire.JP@epa.gov]
Subject: Fwd: Ivanka to talk to Pruitt on Paris

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6 - Personal Privacy

Begin forwarded message:

From: Niina Heikkinen <nheikkinen@eenews.net>
Date: May 4, 2017 at 3:43:38 PM EDT
To: "jackson.ryan@epa.gov" <jackson.ryan@epa.gov>
Subject: Ivanka to talk to Pruitt on Paris

I'm sure you have already seen Axios' article about how Ivanka Trump is planning to meet with Administrator Pruitt about continued participation in the Paris Agreement, I was hoping you could offer some insight into what sort of influence Scott Pruitt has on the Trump administration in terms of making this decision. How might Pruitt's plans to roll back the Clean Power Plan be affected by the U.S. staying in the Paris agreement?

Thanks for your help. My deadline is 5 pm Eastern.

Best,

Niina Heikkinen
E&E News reporter

Ex. 6 - Personal Privacy (w)
(c)

@nhheikkinen
Skype: niina.h.heikkinen

Message

From: Jackson, Ryan [jackson.ryan@epa.gov]
Sent: 5/3/2017 11:48:19 PM
To: Schwab, Justin [schwab.justin@epa.gov]

We really need to move forward on the CPP draft.

Ryan Jackson
Chief of Staff
U.S. EPA
Ex. 6 - Personal Privacy

Message

From: Jackson, Ryan [jackson.ryan@epa.gov]
Sent: 5/2/2017 11:02:29 PM
To: Hope, Brian [Hope.Brian@epa.gov]
Subject: Re: Process Question

Good to go.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6 - Personal Privacy

On May 2, 2017, at 3:41 PM, Hope, Brian <Hope.Brian@epa.gov> wrote:

On the issue-specific adaptations of the general response letter, I assume you're going to want to see the final versions, right? Attached are the three that Mandy wrote paragraphs for last week (CA emissions, CPP, climate). Please let me know if you have any changes or if we're good to go on these. Thanks, Ryan.

- Brian

Brian T. Hope

Acting Director

Office of the Executive Secretariat

Office of the Administrator

(202) 564-8212

<Standard.CA Emissions Page 1.4.25.17.docx>

<Standard.CA Emissions Page 2.4.25.17.docx>

<Standard.Climate.4.25.17.docx>

<Standard.CPP Page 1.4.25.17.docx>

<Standard.CPP Page 2.4.25.17.docx>

Message

From: Jackson, Ryan [jackson.ryan@epa.gov]
Sent: 5/1/2017 10:51:49 AM
To: Freire, JP [Freire.JP@epa.gov]

So I can explain more in person but I need for you to do a couple of things today.

You need to sit down with your staff to best organize the press staff in roles if responsibilities similar to what you originally mentioned but allow them to based on your all initial conversations write it up for each.

The other thing is that I need you to spend some time today with Samantha Brittany or both to look at our running ticker to develop press plans for moving forward. Interviews, opens, coalitions of opeds, supporting what we are doing. Something Pruitt said on Friday was if we are simply responding to stories we are losing. That's his fundamental belief and won't change. That's a big challenge but it means a plan with potential allies to combat that based on what we are doing. Such as WOTUS will be through OMB review soon. How are we going to capitalize on that? We will keep going with CPP, and other rules. Maybe take why we've done so far with economic info and pitch to some source to do a write up in how EPA is right sizing and actually working with states - federalism consult on WOTUS, CCR guidance for states, approving SIPS to work with states, to individual things like traveling to a superfund site where he was personally involved ensuring water filters are provided to residents at the request of the governor etc. We need you to be the thinker. The other folks are great at logistics and tactics getting it done, it's the it that we need, and your the thinker. It's what Pruitt said after you left your interview if an hour and a half. He said one of the things I like is that he's a big thinker and has a ideological reason for how he thinks about issues. He also talked about being read and contributing to how he prepares to deliver remarks. But the first part is especially relevant.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6 - Personal Privacy

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 4/28/2017 11:42:35 PM
To: Fugh, Justina [Fugh.Justina@epa.gov]
CC: Munoz, Charles [munoz.charles@epa.gov]
Subject: RE: one more update

Yeah, but on this CPP, methane, ozone among many others all affect API member companies. I'm not sure what all he worked on, but what can he work on at EPA?

From: Fugh, Justina
Sent: Friday, April 28, 2017 6:51 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Munoz, Charles <munoz.charles@epa.gov>
Subject: one more update

ERIK BAPTIST

- Is not a federally registered lobbyist currently
- Will be subject to paragraph 6 of the pledge -- for two years, cannot participate in any particular matter involving specific parties that is directly and substantially related to the American Petroleum Institute. This pledge restriction extends to any meeting or other communication relating to the performance of EPA duties with the former employer, unless the communication applies to a particular matter of general applicability and participation is open to all interested parties.
- Will have bar restrictions and won't be able to work on the same cases that he worked on while at API or elsewhere
- Bottom line – does not appear to present insurmountable ethics issues

Hope that's helpful.
Justina

Message

From: Jackson, Ryan [jackson.ryan@epa.gov]
Sent: 4/28/2017 6:19:17 PM
To: Dravis, Samantha [dravis.samantha@epa.gov]
Subject: Re: RE: RE:

Michelle called you by mistake.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6 - Personal Privacy

On Apr 28, 2017, at 2:18 PM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

I just saw you called. I am off the phone, just tried you back.

From: Jackson, Ryan
Sent: Friday, April 28, 2017 2:16 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Subject: Re: RE:

He can come too.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6 - Personal Privacy

On Apr 28, 2017, at 2:10 PM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

I am happy to do that but the ideal person to be here for that is really Al to walk through how he approached the cost/benefit analysis. I have it in my mind, but he will explain it 10x better.

From: Jackson, Ryan
Sent: Friday, April 28, 2017 2:06 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>
Subject:

Can we all meet with Pruitt after the last governor's call of the day about 4pm to ensure he's good with the approaches on CPP and WOTUS so OP can make the finishing touches and we can get the process started with OMB?

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency

Ex. 6 - Personal Privacy

Message

From: Jackson, Ryan [jackson.ryan@epa.gov]
Sent: 4/28/2017 6:15:48 PM
To: Dravis, Samantha [dravis.samantha@epa.gov]
Subject: Re: RE:

He can come too.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6 - Personal Privacy

On Apr 28, 2017, at 2:10 PM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

I am happy to do that but the ideal person to be here for that is really Al to walk through how he approached the cost/benefit analysis. I have it in my mind, but he will explain it 10x better.

From: Jackson, Ryan
Sent: Friday, April 28, 2017 2:06 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>
Subject:

Can we all meet with Pruitt after the last governor's call of the day about 4pm to ensure he's good with the approaches on CPP and WOTUS so OP can make the finishing touches and we can get the process started with OMB?

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency

Ex. 6 - Personal Privacy

Message

From: Jackson, Ryan [jackson.ryan@epa.gov]
Sent: 4/26/2017 1:48:31 PM
To: Grantham, Nancy [Grantham.Nancy@epa.gov]
CC: Reeder, John [Reeder.John@epa.gov]; Hope, Brian [Hope.Brian@epa.gov]
Subject: Re: Responses to emails and letters to Administrator Pruitt

Nancy thank you for coordinating this.

I guess no good deed goes unpunished so can you continue to monitor what comes in and I'll dole out response assignments?

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6 - Personal Privacy

On Apr 26, 2017, at 8:22 AM, Grantham, Nancy <Grantham.Nancy@epa.gov> wrote:

All,

With Mandy's submission below, we now have all of the initial "special" paragraphs we need to keep the responses moving.

Thanks ng

From: Gunasekara, Mandy
Sent: Tuesday, April 25, 2017 10:26 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: RE: Responses to emails and letters to Administrator Pruitt

Hi Nancy,
I apologize for the late submission. Please see information below and let me know if you need any additional help.

Best,
Mandy

CA Emissions Standards: The states have a very important role in setting and implementing environmental standards that reflect the needs, challenges and expectations of their local communities. Congress established a clear process by which states may set more stringent standards subject to the approval of the Administrator and based on the specific request made and the corresponding record submitted. I look forward to working with all the states, including California, to engage in meaningful dialogue about our environmental goals and how we can work together to achieve them.

Clean Power Plan: On March 28, 2017, President Trump issued an American Energy Independence Executive Order (EO) laying out a new policy vision for responsible use of our vast energy resources in order to expand the economy and promote American jobs. As part of the new EO, the president directed the Environmental Protection Agency (EPA) to review the Clean

Power Plan (CPP). That same day, I signed a Federal Register notice formally beginning the process to review the CPP, which is currently underway.

I am not only committed to following through with the president's new energy independence directives, but I am committed to ensuring the rules that come from this agency align with the concept of cooperative federalism established under the Clean Air Act. Achieving environmental goals is a shared objective between the federal government and the states. I intend to rebuild trust among the states and work closely with local officials to develop meaningful regulations that result in tangible benefits for the environment and public health.

Climate Change: The climate is changing and human activity impacts our changing climate in some manner. The ability to measure with precision the degree and extent of that impact, and what to do about it, are subject to continuing debate and dialogue. I am committed to having an open and honest debate to better inform current and future regulatory decisions.

From: Grantham, Nancy
Sent: Monday, April 24, 2017 8:02 AM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: RE: Responses to emails and letters to Administrator Pruitt

Hi Mandy,

Just checking in on these paragraphs.

Thanks ng

From: Gunasekara, Mandy
Sent: Monday, April 17, 2017 11:00 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Reeder, John <Reeder.John@epa.gov>; Konkus, John <konkus.john@epa.gov>; Freire, JP <Freire.JP@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: Re: Responses to emails and letters to Administrator Pruitt

Nancy, I apologize for the delayed action on this. I'll send you info tomorrow.

Best,
Mandy

Sent from my iPhone

On Apr 17, 2017, at 3:47 PM, Grantham, Nancy
<Grantham.Nancy@epa.gov> wrote:

<image001.gif>

Just checking in with folks on the short paragraphs below.

Thanks ng

From: Jackson, Ryan
Sent: Tuesday, April 11, 2017 5:11 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Reeder, John <Reeder.John@epa.gov>; Konkus, John <konkus.john@epa.gov>; Freire, JP <Freire.JP@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: RE: Responses to emails and letters to Administrator Pruitt

Looks good. Just need short paragraphs on each.

Please farm out to the following staff:

California Emissions Standards – Mandy
Chlorpyrifos – Ryan
Clean Power Plan – Mandy
Climate Change – Mandy
EPA budget – ryan
Fuel Efficiency Standards – Brittany
TSCA – Ryan

From: Grantham, Nancy
Sent: Tuesday, April 11, 2017 4:09 PM
To: Reeder, John <Reeder.John@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Konkus, John <konkus.john@epa.gov>; Freire, JP <Freire.JP@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Responses to emails and letters to Administrator Pruitt

Hi –

In response to the email chain with Ryan and John Reeder regarding email and mail inquiries to the Administrator, below you will find drafts of 3 reply pieces: a simple courtesy response card; a longer response letter with more substance on priorities and direction; and an email auto reply.

We have also identified a number of areas where we have a large number of inquiries, where we would draft an additional paragraph to include in a response letter. These are:

- <!--[if !supportLists]--><!--[endif]-->California Emissions Standards
- <!--[if !supportLists]--><!--[endif]-->Chlorpyrifos- Support and Opposition to Recent EPA Action
- <!--[if !supportLists]--><!--[endif]-->Clean Power Plan Support
- <!--[if !supportLists]--><!--[endif]-->Climate Change – CNBC Interview and Encourage EPA Support and Action
- <!--[if !supportLists]--><!--[endif]-->EPA Budget – Opposed to Cuts

- <!--[if !supportLists]--><!--[endif]-->Fuel Efficiency Standards
- <!--[if !supportLists]--><!--[endif]-->TSCA

We are aiming to have drafts for these topic areas this week.

Please let us know if you have suggested edits to the base response card and letter.

Thanks ng



Ex. 5 - Deliberative Process



Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Message

From: Jackson, Ryan [jackson.ryan@epa.gov]
Sent: 4/26/2017 11:40:20 AM
To: Freire, JP [Freire.JP@epa.gov]
Subject: Fwd: Morning Energy, presented by ExxonMobil: Next phase of nuclear waste debate kicks off — Trump signs monument executive order today — Whitehouse seeks investigation of Pruitt over dinner invite

Ex. 5 - Deliberative Process

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6 - Personal Privacy

Begin forwarded message:

From: "POLITICO Pro Energy" <politicoemail@politicopro.com>
Date: April 26, 2017 at 5:49:31 AM EDT
To: <jackson.ryan@epa.gov>
Subject: Morning Energy, presented by ExxonMobil: Next phase of nuclear waste debate kicks off — Trump signs monument executive order today — Whitehouse seeks investigation of Pruitt over dinner invite
Reply-To: "POLITICO subscriptions" <reply-fe8d12757062067870-630326_HTML-786581600-1376319-0@politicoemail.com>

By Anthony Adragna | 04/26/2017 05:45 AM EDT

With help from Darius Dixon, Eric Wolff, Alex Guillén and Annie Snider

SHOWDOWN IN YUCCA-TOWN: Republicans have been beating the drum on the Yucca Mountain nuclear waste project practically since they took the House in the 2010 elections, and now the dog has caught the proverbial truck. Sen. Harry Reid has retired, a Republican is in the White House and backers of the nuclear waste project have real, live (draft) legislative text on trial today, demonstrating that years of House Energy and Commerce Committee hearings and feedback didn't stumble into a black hole. "This discussion draft reflects what we learned through those hearings, oversight activities and related work," Rep. John Shimkus, an E&C subcommittee chair who's been one of Congress' biggest Yucca-vangelists, will say, according to prepared remarks obtained by ME. "However, it is just that: a discussion draft. And today we start of process of taking input from all stakeholders on this draft."

Heller v. Shimkus: The bill, which includes language authorizing interim storage facilities and offers several olive branches to Nevada, is an acknowledgment that the project's situation requires more than simply flipping a hidden switch that might get the program on its feet. Yucca supporters can point to a 45-page document that bears out what Shimkus and his fellow Republicans have been thinking. But critics also now have a text to attack (ME shudders to think about the nuclear equivalent of Sen. Joe Manchin shooting a hole in the 2010 cap-and-trade bill?). Sen. Dean Heller, who is testifying on the first panel at today's hearing and is one of the few Republicans vulnerable in next year's elections, says the draft bill is "heavy-handed, federal government-only proposal to reinstate Yucca Mountain while making false promises to the residents of Nevada."

The deets: The first panel of today's hearing is stacked with Nevada lawmakers opposed to Yucca, including Heller, who was something of late addition. The second panel includes officials representing state regulators, and the nuclear energy industry, as well as Ward Sproat, who submitted Yucca Mountain's application to regulators in 2008. The hearing starts at 10 a.m. in Rayburn 2123.

MONUMENTAL CHANGE? President Donald Trump will late this morning sign an executive order at the Interior Department headquarters calling on Secretary Ryan Zinke to review the national monument designations made by the past three presidents, Pro's Esther Whieldon reports. Zinke will have 45 days to file an interim recommendations, and 120 days to issue suggestions for legislation to Trump to revoke or slim down the size of any monuments that cover 100,000 acres or more that were created under the Antiquities Act. The monument review will largely focus on two Utah monuments: President Barack Obama's designation last year of Bears Ears National monument and President Bill Clinton's protection of the Grand Staircase-Escalante National Monument back in 1996.

But the order will be noticeably silent on assertions of the scope of Trump's authority to revoke monuments. Zinke stressed his belief that presidents can revise the scope of monument designations, though no president has fully revoked the status for existing monuments entirely. Green groups and tribal advocates say they'll challenge any attempt by the Trump administration to change the footprint or eliminate existing monuments. More from Esther here.

WELCOME TO WEDNESDAY! I'm your host Anthony Adragna, and Van Ness Feldman LLP's R. Scott Nuzum was first to identify St. Louis as the host of America's first Olympics. For today: What former MLB baseball player, nicknamed "Vinegar Bend," went on to serve three terms in Congress? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter [@AnthonyAdragna](https://twitter.com/AnthonyAdragna), [@Morning_Energy](https://twitter.com/Morning_Energy) and [@POLITICOPro](https://twitter.com/POLITICOPro).

New! Day Ahead: POLITICO Pro's comprehensive rundown of the day's congressional schedule, including details on legislation, votes, as well as committee hearings and markups. Day Ahead arrives in your inbox each morning to prepare you for another busy day in Washington. Sign up to receive Day Ahead.

WHITEHOUSE REQUESTS PRUITT PROBE: Sen. Sheldon Whitehouse asked the U.S. Office of Special Counsel in a letter to investigate whether EPA Administrator Scott Pruitt would violate the Hatch Act if he follows through on his plan to headline an Oklahoma Republican Party fundraiser, Pro's Alex Guillén reports. Whitehouse also asked that OSC instruct Pruitt not to attend the event.

In response, EPA spokesman J.P. Freire told Alex the fundraising flier was a mistake and that Pruitt had sought to avoid a conflict: "We worked with our ethics office to ensure attendance at this event would comply with rules, and this flier unfortunately doesn't reflect those requirements. We are working to fix this and ensure full compliance with the rules." The Oklahoma GOP did not return a request for comment last night.

Scotty don't: This handy Hatch Act guide from EPA's Office of General Counsel has a number of rules for what Pruitt can and can't do at political fundraisers. He can attend them, but cannot solicit contributions, let his name be used as a sponsor or host, or let himself be identified by more than his name on an invitation. If Pruitt is determined to attend, the guide does indicate he can serve drinks or check coats. Serving salmon puffs and bacon-wrapped scallops, however, appears to be a gray area.

TAKING CARBON STOCK: If fully implemented, Trump's policies on climate change mean that by 2025 the U.S. would be pumping 900 more megatons of greenhouse gases into the atmosphere each year — more than the annual emissions from Germany — than under Obama's most ambitious target, Pro's Eric Wolff reports. Through 2030, the cumulative gap between the Trump and Obama policies could exceed 4 billion metric tons of carbon dioxide, based on POLITICO's analysis of estimates from the Democratic-leaning consultant Rhodium Group and the World Resources Institute.

But wait a sec: Pennsylvania State University climate scientist Michael Mann said Obama's policies may be difficult to toss out thanks to the courts and resistant federal staffers. "Bureaucracy can be both a good and bad thing, depending on the circumstances," Mann said in an email. "In this case, I think it may save us. Were Democrats to win back one or both houses of Congress in the mid-terms less than two years away, I think that much of the damage could almost certainly be mitigated."

SHUTDOWN UPDATE: Congress still has much to work through if it hopes to avoid a government shutdown (or a short-term CR) on Friday, but energy and environmental issues don't appear to be the problem. Energy and Water subcommittee Chairman Lamar Alexander told reporters his portion of the spending package was "all done" though declined to comment on whether it included anything for Yucca. And Sen. Lisa Murkowski, who heads the Interior-EPA spending panel, said appropriators were "still working" on her portion of the package but that there were "not really" any controversial riders included in it.

Miners' benefits still a sticking point: Lawmakers are still seeking to fund health care benefits for retired coal miners in the government funding legislation, Pro Employment & Immigration's Marianne LeVine reports. "We want to help our miners," Senate Minority Leader Chuck Schumer said. Senate leadership favors a permanent fix, but the House is pushing for a shorter-term solution. McConnell said Tuesday "it's my hope" a permanent fix makes it into the final package.

That comes as 97 groups, including Earthjustice, the League of Conservation Voters and the Wilderness Society, wrote to congressional leaders Monday urging them to keep the emerging government funding bill free of "anti-environment, anti-science riders."

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PARIS PULLOUT SPLITS SENIOR REPUBLICANS: Like the Trump administration itself, the question of whether to abandon the Paris agreement has split senior Senate Republicans. Senate EPW Chairman John Barrasso reiterated his support for abandoning the deal altogether, while Sen. John Thune voiced openness to sticking with the deal, but trying to negotiate terms. "Maybe that's a good landing place, but I do think that we are not treated fairly relative to the countries in the world who create the most pollution," he told ME.

Murkowski 'agnostic': Murkowski called herself "agnostic" about what to do but also said she'd "suggested that maybe there are other things that we need to be doing and looking at as we're working to reduce our impacts." The comments from lawmakers come as 14 state attorneys general asked Trump to affirm U.S. support for the pact and as the White House rescheduled a meeting of principals for Thursday on what position to take on the deal.

And ME obtained a memo from two Competitive Enterprise Institute officials outlining potential options for Trump to meet his campaign vow to "cancel" the Paris Agreement. "President Trump has three principal options for keeping his campaign promise: withdraw from Paris only, withdraw from the UNFCCC, or seek Senate input," it said.

Miners deny Pruitt pushed: A National Mining Association spokesman strongly denied late Tuesday that Pruitt urged the group to publicly support pulling out of the agreement, despite a source telling POLITICO that he did. The group voted to push the Trump administration to exit the pact one day after the EPA administrator met with the group's leadership.

CRAMER LETTER READY TO ROLL: Rep. Kevin Cramer's long awaited letter to Trump in support of keeping the U.S. in the Paris climate agreement will be sent today, the North Dakota Republican told reporters last night. The letter is expected to advocate for reducing the U.S. commitment to the agreement, increasing support for emission-reducing technologies for fossil fuels, and stopping payments to the Green Climate Fund. Cramer said he has eight signatories, mostly from the Energy and Commerce Committee, and he hopes to add a few more before dropping the letter in the mail.

SENATE'S WOTUS TAKEDOWN: The Senate Environment and Public Works Committee dives deep into the technical details and regulatory process for the Obama administration's controversial water rule this morning, in an effort to help the Trump administration build the case for pulling it back.

The battle lines will be stark: On critics' side will be Michael Josselyn, the dissenting voice on an outside scientific review panel for the regulation, and Misha Tseytlin, Wisconsin's solicitor general. Defending the rule will be Ken Kopocis, the Obama administration's water chief, and Collin O'Mara, president of the National Wildlife Federation. Then there's a big wildcard: Maj. Gen. John Peabody, a retired top Army Corps officer who blasted the Obama rule in internal memos to his political boss, complaining that the Corps was cut out of the process, but also that changes made in the final 2015 rule required a more extensive environmental analysis because they stood to significantly retract federal protections over streams and wetlands.

BARRASSO EYES METHANE VOTE 'NEXT WEEK': Republican aides said they've yet to firmly lock down the requisite vote necessary to nullify a BLM regulation aimed at curbing methane emissions on public lands, but lawmakers are eyeing a vote in the coming days. "I expect to have a vote next week," Barrasso told reporters Tuesday. More than 110 local officials from Colorado, New Mexico, Idaho, Nevada, Wyoming, Utah and the Ute Mountain Tribe urged Congress not ax the regulation using the Congressional Review Act in a letter sent today.

HOEVEN HOPEFUL ON CCS MOVEMENT: It may seem like near-term opportunities to advance energy legislation are scarce, but Sen. John Hoeven told reporters Tuesday he's optimistic the Senate can pass legislation reforming and extending tax incentives for carbon capture and sequestration projects this session. "I think we'll get that passed this year," the North Dakota Republican said. "That's how you make carbon capture commercially viable." He noted Majority Leader Mitch McConnell has co-sponsored similar legislative efforts previously.

PERRY'S (NU)CLEAR THINKING: National security relies on having nuclear energy as a continuing part of the electric grid, and that justifies moves by the federal government that override state authority, Energy Secretary Rick Perry said Tuesday at Bloomberg New Energy Finance Summit in New York City. As Pro's Darius Dixon reports, the former Texas governor also vowed he's perfectly comfortable shepherding the DOE funding cuts sought by Trump.

"Thirty billion dollars, and 16,000 employees with 100,000 contractors may cause some people to break out in a cold sweat. It does not do that to me," he said.

UNDERSTANDING TWO-FOR-ONE ORDER: Venable LLP released [an FAQ guide](#) to understanding Trump's executive order requiring the elimination of two regulations for every new one issued (with some exemptions). It notes perhaps the "biggest challenge" surrounding the order will be developing the evidentiary record necessary to eliminate existing regulations, which "may require substantial investment in time and money that agencies and relevant stakeholders may not be able or want to undertake."

LAWSUIT FILED OVER RECORDS FOR LIKELY INTERIOR DEPUTY: The Western Values Project filed [a lawsuit](#) in federal court Tuesday seeking records related to David Bernhardt's tenure at Interior during the George W. Bush administration. "There shouldn't be any secrets about Mr. Bernhardt if he stands a chance of becoming one of the most powerful figures at Interior," Chris Saeger, the group's executive director, said in a statement. Bernhardt is [thought to be a leading contender](#) for a top agency position, including deputy secretary.

MAIL CALL! SAVE EPA REGION 5! Eight senators and 27 Democratic congressmen sent Pruitt [a letter](#) Tuesday urging him not to shutter EPA's Chicago-based regional office. "Region 5 does not duplicate enforcement or regulatory actions, rather Region 5 allows the EPA to better coordinate federal efforts with state and local governments," they wrote. The agency has strongly denied it was considering the option of closing the region. Sen. [Rob Portman](#) was the lone Republican to sign the letter.

STEADY BREEZE: Phil Murphy, the front-runner for the Democratic gubernatorial nomination in New Jersey, hopes to build 3,500 megawatts of offshore wind generation by 2030 as part of his energy policy, POLITICO New Jersey's David Giambusso [reports](#). That'd be enough to power roughly 1.5 million homes. The former U.S. Ambassador to Germany and Goldman Sachs executive has previously said he would immediately rejoin the Regional Greenhouse Gas Initiative that Gov. Chris Christie left.

ENERGY PORTAL LAUNCHES: R Street and CRES Forum are today launching a new portal, [Energy Done Right](#), that explores energy and environmental issues from the right-of-center think tank community perspective.

MORE JOIN THE CLIMATE ARK: Freshmen Reps. [Mike Gallagher](#) and [Salud Carbajal](#) are the latest members of the bipartisan Climate Solutions Caucus.

MOVER, SHAKER: David Goldston leaves NRDC next month after eight years as the environmental group's director of government affairs to become director of the MIT's Washington office, Pro's Alex Guillén [reports](#).

QUICK HITS

- State Department Memo Boosts Case to Stay in Paris Climate Pact. [Bloomberg](#).
- Trump's plan to kill Energy Star could benefit his properties. [CNN](#).
- Can EPA Get the Lead Out Amid Deregulatory Fervor? [Bloomberg BNA](#).
- Most global investors recognize financial risk of climate change, report finds. [The Guardian](#).

— Quake raises new concerns about Atlantic Sunrise pipeline, but builders say safeguards built in. [Lancaster Online](#).

— Valero CEO expects Q2 biofuel costs to be 'a significant headwind'. [Reuters](#).

HAPPENING TODAY

7:30 a.m. — BakerHostetler's 28th Annual Legislative [Seminar](#), Hyatt Regency on Capitol Hill, 400 New Jersey Ave. NW

10:00 a.m. — "[A Review of the Technical, Scientific, and Legal Basis of the WOTUS \(Waters of the United States\) Rule](#)," Senate Environment and Public Works Committee, 406 Dirksen

10:00 a.m. — "[H.R., the Nuclear Waste Policy Amendments Act of 2017](#)," House Energy and Commerce Environment Subcommittee, 2123 Rayburn

4:00 p.m. — Reps. Curbelo and Moulton deliver remarks at coastal sustainability briefing being hosted by the bipartisan Climate Solutions Caucus, 421 Cannon

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<https://www.politicopro.com/tipsheets/morning-energy/2017/04/next-phase-of-nuclear-waste-debate-kicks-off-022531>

Stories from POLITICO Pro

Trump to order review of national monuments [Back](#)

By Esther Whieldon | 04/25/2017 09:02 PM EDT

President Donald Trump is set to order the review of tens of millions of acres of land and water set aside as national monuments by the past three presidents on Wednesday, a move that environmental groups warn will undermine a crucial conservation tool and open up sensitive areas to fossil fuel development.

The review will be conducted by Interior Secretary Ryan Zinke and will encompass the dozens of monuments created over the past 21 years, although the main focus will be on President Barack Obama's designation last year of Bears Ears National monument, as well as the Grand Staircase-Escalante National Monument protected by President Bill Clinton in 1996. Both of those are in Utah, and the state's lawmakers have pressed to revoke the monument status for the two sites, which are believed to hold fossil fuel resources.

But Zinke sought to quell concerns that the executive order would roll back conservation protections provided by 1906 Antiquities Act, saying the Trump's order "does not strip any monument ... or loosen any environmental conservation on any land or marine areas."

Yet environmental groups fear the review is a simply a pretense to unwind the federal protections in the future, since both Trump and Zinke have supported growing U.S. fossil fuel output.

The Antiquities Act is "one of our country's kind of bedrock conservation laws," said Daniel Ritzman, Sierra Club western public lands protection campaign director.

Sixteen different presidents have used the law "to protect some of our country's most special places. You know places like the Grand Canyon [National Park] started out out as a national monument," he said. "And it's not just our important landscapes that have been protected, it's also used to protect some unique American cultural sites, especially Native American cultural sites."

Presidents have also used the law to block off areas from fossil-fuel development, such as coal mining at Grand Staircase, but environmental and conservation groups worry those protections will be tossed aside as Trump looks for additional ways to unleash energy development on public lands and waters.

"This administration has made it clear that they're going to do the bidding of the oil and gas industry," said Jennifer Rokala, executive director of the Center for Western Priorities, a Colorado-based conservation group.

The order gives Zinke 45 days to file an interim recommendations, and 120 days to issue suggestions for legislation or for Trump to revoke or slim down the size of any monuments that cover 100,000 acres or more that were created under the Antiquities Act.

The order does not make any assertions as to the scope of Trump's authority to revoke monuments, Zinke said and he reiterated his belief that presidents can revise the scope of monument designations, though that the broader authority to delist monuments remains untested in courts.

While presidents have tweaked the size of their predecessor's monument designations — President Dwight D. Eisenhower, for example, reduced Colorado's Great Sand Dunes National Monument by 25 percent — none have fully revoked the status for existing monuments entirely. Environmental groups and tribal officials say they stand ready to sue over any attempts by Trump to change the footprint or eliminate existing monuments.

Obama used the power under the Antiquities Act to to protect more land than any previous president, from underwater canyons and mountains off Cape Cod to the vast Papahānaumokuākea Marine National Monument in the Pacific Ocean. His aggressive use of the Act drew scathing criticism from Republicans, who complained the White House abused the law to override local opposition and restrict development and usage of the lands.

Groups have already challenged two of Obama's monument designations, including a lawsuit by fisheries groups over the Northeast Canyons and Seamounts National Marine Monument off the East Coast, but neither of the cases address the scope of a president's authority to revoke a monument.

Meanwhile, the energy industry has been lobbying for access to more public lands — as well revisions to ease the environmental reviews and other permitting processes. The American Petroleum Institute in a January [letter to lawmakers](#) urged Congress to revamp the Antiquities Act, arguing the increasing use of the law presents "threats to responsible and balanced use of federal lands offshore and onshore."

"There's absolutely interest in developing oil and natural gas resources on public lands," said Erik Milito, API's director of upstream and industry operations.

"There's highly prospective areas for the industry and we've seen considerable development on state and private lands in the vicinity of public lands, which would demonstrate that there could be far greater opportunities if we had a more streamlined process and more opportunities by eliminating these types of obstacles to development."

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Pruitt to headline Oklahoma GOP gala [Back](#)

By Alex Guillén | 04/24/2017 10:52 AM EDT

EPA Administrator Scott Pruitt will headline the Oklahoma Republican Party's annual gala next week, according to an [event invitation](#).

"You do not want to miss Pruitt at this year's OKGOP Gala, as he discusses his plans to slash regulations, bring back jobs to Oklahoma, and decrease the size of the EPA!" the invitation says.

It notes that Pruitt in just a few months has already "overseen the rollback of the Waters of the US rule, called for an exit from the Paris Climate Agreement, and championed a return to EPA 'originalism.'"

Pruitt was previously Oklahoma's attorney general. The event takes place on May 5 in Moore, Okla.

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Whitehouse alleges Pruitt fundraiser appearance violates Hatch Act [Back](#)

By Alex Guillén | 04/25/2017 07:24 PM EDT

Sen. [Sheldon Whitehouse](#) (D-R.I.) today alleged that EPA Administrator Scott Pruitt's upcoming headlining appearance at an Oklahoma Republican Party fundraiser violates the Hatch Act, the law prohibiting federal employees from partaking in many political activities.

Pruitt is [slated](#) to appear at the Oklahoma GOP's annual gala fundraiser on May 5, and the [invitation](#) promises that Pruitt will discuss "his plans to slash regulations, bring back jobs to Oklahoma, and decrease the size of the EPA!"

In a [letter](#) to the U.S. Office of Special Counsel, the independent agency that investigates these matters, Whitehouse argues that "the unmistakable impression one receives from the May 5 invitation is that by purchasing a ticket or agreeing to sponsor the OKGOP Gala, the attendee

will have special access to a federal employee discussing official actions already taken, and to be taken in the future. This is clearly impermissible political activity under the Hatch Act."

Whitehouse also asked that OSC instruct Pruitt not to attend the event.

EPA did not immediately return a request for comment.

Cabinet members have occasionally crossed a line on the Hatch Act, including last year, when then-Housing and Urban Development Secretary Julian Castro answered a question about the presidential race during an interview with Yahoo News. OSC in that instance did not recommend a punishment for Castro.

If OSC concludes the Hatch Act was violated by a presidential appointee, the matter is referred directly to the president for possible punishment or sanctions.

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EPA: Pruitt fundraiser appearance OK'd, but flier erred [Back](#)

By Alex Guillén | 04/25/2017 08:56 PM EDT

EPA says an invitation touting Administrator Scott Pruitt's appearance at a May 5 Oklahoma GOP fundraiser was an error and that Pruitt had worked to avoid a political conflict.

"We take very seriously the rules by which federal officials must participate in public events. We worked with our ethics office to ensure attendance at this event would comply with rules, and this flier unfortunately doesn't reflect those requirements," EPA spokesman J.P. Freire said in an email. "We are working to fix this and ensure full compliance with the rules."

Sen. [Sheldon Whitehouse](#) today [alleged](#) that the [invitation](#) to the Oklahoma GOP's annual gala fundraiser put Pruitt on the wrong side of the Hatch Act, the law limiting political activities by presidential appointees and other government officials.

The Hatch Act does not bar officials like Pruitt from attending political fundraisers, though there are restrictions, including on what Pruitt can say and a prohibition on organizers using a government officials' title to sell tickets. The invite, issued by the state Republican party, uses Pruitt's title and says he will discuss "his plans to slash regulations, bring back jobs to Oklahoma, and decrease the size of the EPA!"

Whitehouse has urged the U.S. Office of Special Counsel to investigate and bar Pruitt from attending the fundraiser.

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Trump's already making his mark on climate [Back](#)

By Eric Wolff | 04/25/2017 08:57 PM EDT

President Donald Trump's aggressive rollback of the Obama administration's climate policies is already changing the trajectory of the world's efforts on global warming, with some analysts

estimating it will mean billions more tons of greenhouse gases entering the atmosphere during the next decade and a half.

It could be one of the most durable legacies of his young presidency — regardless of whether Trump decides to withdraw the U.S. from the Paris climate agreement.

Trump has spent much of his first 100 days in office launching a series of efforts to undo former President Barack Obama's domestic climate policies, seeking to ease pollution limits on power plants, vehicle tailpipes, coal mining, and oil and gas wells. And while Democrats and environmental groups promise fierce resistance, analysts say Trump's efforts could bring an effective halt to U.S. efforts to cut the carbon pollution that scientists blame for warming the planet.

"This is an experiment we can only run once, and then it's too late," said Princeton University climate scientist Michael Oppenheimer. "We were in a lot of trouble with climate change already. This only makes it more risky. It's hard to quantify how much it matters, but it makes attainment of a difficult-to-achieve target more or less impossible."

The United States is the world's second-largest carbon polluter, but its greenhouse gas output has slid sharply in the past decade — a trend driven partly by increases in energy efficiency and a shift from coal to natural gas as a power source. Obama had pledged to continue those reductions in the coming decade to meet U.S. commitments in the 2015 Paris agreement, in which nearly 200 nations made non-binding promises to cut their carbon pollution. Hillary Clinton had promised even steeper reductions.

Trump, in contrast, has vowed to reverse Obama's policies, lift restrictions on the energy industry and "save our wonderful coal miners" — pledges that helped him win fossil fuel-producing swing states like Pennsylvania and Ohio.

And his actions will have a real-world effect, based on POLITICO's analysis of estimates from the Democratic-leaning consultant Rhodium Group and the World Resources Institute. Instead of falling, Rhodium's projection estimated that Trump's policies, if fully implemented, will cause U.S. carbon pollution to continue more or less at current levels. That means that by 2025, according to POLITICO's analysis, the U.S. would be pumping 900 more megatons of greenhouse gases into the atmosphere each year than under Obama's most ambitious target.

That extra U.S. carbon would exceed the annual output of Germany, one of the world's top greenhouse gas polluters. That would be enough to increase the world's annual carbon emissions by almost 2 percent, Pennsylvania State University climate scientist Michael Mann said — at a time when climate researchers say the world urgently needs to accelerate its cuts.

Through 2030, the cumulative gap between the Trump and Obama policies could exceed 4 billion metric tons of carbon dioxide, based on Rhodium's estimates.

In other words, Trump's domestic actions on energy would be his real contribution to global climate policy — a fact obscured by the noisy political fight on whether the U.S. should withdraw from Paris. The figures don't even account for the possibility that a U.S. retreat on climate efforts would cause other major polluters, such as China and India, to pull back on their commitments.

"If you're going after the Clean Power Plan and going after everything else and all the other rules, then whether or not you stay in Paris appears to be symbolic from the perspective of U.S.

emissions," said Andrew Light, a fellow at the World Resources Institute who worked for the State Department under Obama.

Rhodium based its analysis on a March 28 executive order in which Trump directed his agencies to take the first steps toward reversing some of Obama's most significant climate actions, including regulations on coal miners, oil and gas drillers, and thousands of power plants.

Trump and his appointees have made no secret of their disdain for Obama's attempts to rally the world on climate change, an issue the president has labeled a Chinese-inspired "hoax" that's wiped out American jobs. White House budget director Mick Mulvaney dismissed climate programs last month as "a waste of your money," telling reporters that "we're not spending money on that anymore."

Mulvaney was defending Trump's proposal for a 31-percent budget cut for the Environmental Protection Agency, whose carbon regulations on the power, auto, coal, oil and gas industries had provided the heart of Obama's climate policies.

Among other steps to erase Obama's climate legacy, Trump has ordered the EPA to begin unwinding Obama's 2015 regulations on greenhouse gases from power plants, moved toward easing the agency's vehicle fuel-efficiency requirements and signed off on Congress' repeal of stream-pollution restrictions that had threatened to hinder some coal mining activity. He is also due to take steps this week toward opening up vast new offshore regions for oil and gas production — a sharp break from the limits Obama imposed late in his second term.

More quietly, the administration has postponed Energy Department efficiency standards for commercial and consumer appliances such as freezers and boilers, withheld grants for research into next-generation energy technologies, and ordered the government to revise a metric called the "social cost of carbon" that seeks to factor the impacts of climate change into regulatory actions. Administration lawyers have also persuaded appellate judges to postpone rulings on several Obama-era rules facing industry challenges, giving Trump's agencies more time to pull them back for reworking.

Rhodium's analysis of the effect of Trump's executive order comes with plenty of caveats: It assumes that cities and states will fail to fill the gap in federal policy, and that a climate advocate will not take over the White House in 2020. It also does not allow for faster-than-expected advances in renewable energy technologies — notably battery storage — that could accelerate the shift to wind and solar power.

But Rhodium also doesn't include other measures that Trump could take, such as reneging on a 2016 treaty to limit the production of potent greenhouse gases known as hydrofluorocarbons. That agreement by itself could forestall 0.5 degrees Celsius in global warming during this century, according to U.N. estimates. The Paris agreement is meant to prevent the rise in average global temperatures from exceeding 2 degrees Celsius above pre-industrial levels.

Rhodium's partners include Trevor Houser, who was a top outside adviser to the Clinton campaign on energy issues.

Climate researchers say the world is so close to a tipping point that any backsliding would be dangerous.

For example, carbon dioxide levels in the Earth's atmosphere have been hovering above 405 parts per million since November, the highest on record, according to the National Oceanic and

Atmospheric Administration — significantly higher than the 350-parts-per-million level that some leading climate researchers say the world needs to move back to. The estimated change in emissions allowed by Trump's executive order would add 2 parts per million in the next 20 years, according to a rough estimate by Pieter Tans, chief of the Carbon Cycle Greenhouse Gases Group at the NOAA Earth Science Research Laboratory.

Put another way, those extra emissions alone would move the world 4 percent closer to 450 parts per million — the point at which the world still has a better-than-50-percent chance of stabilizing global temperatures, according to the Organization for Economic Cooperation and Development. Failing to stabilize temperatures would could mean intensifying extreme weather events at "unprecedented levels," the OECD says. It could also move the world to a point where temperature and emissions feedback loops make changes in the world's climate change irreversible.

"Thus far, we human beings have mostly controlled climate change through emissions of greenhouse gases," Tans said in an email. "Continuing on this path will likely lead to uncontrolled and potentially very large emissions of [carbon dioxide] and [methane] from the melting of permafrost in the Arctic, to name one plausible feedback effect."

Still, some advocates for deep cuts in carbon emissions, such as Mann, hold out hope that Obama's policies will prove difficult to uproot. They're counting on the courts and resistant federal staffers to stall Trump's plans.

"Bureaucracy can be both a good and bad thing, depending on the circumstances," Mann said in an email. "In this case, I think it may save us."

"Were Democrats to win back one or both houses of Congress in the mid-terms less than two years away, I think that much of the damage could almost certainly be mitigated," he added.

Skeptics of Obama's policies argue that the U.S. would absorb most of the pain of the Paris agreement while countries such as China and India — the world's biggest and fourth-biggest carbon polluters, respectively — would get off easy. Both countries are expected to produce more carbon dioxide in 2030 than they did in 2015.

"The Obama administration made really ambitious commitments in Paris with no clear way to get there under current regulations," said Robert Dillon, an energy expert with the American Council for Capital Formation, who contends that Trump's decision to ease off on Obama's carbon rules puts the U.S. on a level playing field.

"Any time you have a concern where you're tying one hand behind your back to compete in the global market, there are legitimate concerns about how the country remains competitive and improves the standard of living for American families," he added.

Meanwhile, Trump's rollback puts pressure on other countries to decide how to respond. The U.S. already buted heads with other G-7 nations this month when Energy Secretary Rick Perry's insistence that the Paris agreement should not be mentioned scuttled a joint communique.

Some foreign leaders are choosing to be optimistic, for now.

"I don't see the world backing off," Swedish Deputy Prime Minister Isabella Lövin told reporters last week in Washington. Instead she expressed concern about the next stage of the Paris agreement, which calls for nations to further cut their greenhouse gases.

"We are concerned that some might point to the U.S. and say, 'We don't have to raise ambitions now if the U.S. is not going to take part of this,'" she said. "And the U.S., of course, has a great responsibility for the historic emissions. That makes it a really bad chase to the bottom."

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Schumer, McConnell: We're trying to find a solution for miners [Back](#)

By Marianne LeVine | 04/25/2017 03:26 PM EDT

Senate Minority Leader [Chuck Schumer](#) said today that finding a solution to fund health care benefits for retired coal miners remains an "outstanding" issue in funding negotiations.

"We want to help our miners," Schumer said.

Lawmakers are expected to include some provision in this week's appropriation bill to shore up miners' health benefits. Senate leadership favors a permanent solution, but House leadership wants a shorter-term fix.

Senate Majority Leader [Mitch McConnell](#) reiterated today that he is "in favor of a permanent fix on miners' health care."

"It's my hope that that will be included in the final package," McConnell said.

Jennifer Scholtes contributed to this report.

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Trump advisers' meeting on Paris deal reset for Thursday [Back](#)

By Andrew Restuccia and Josh Dawsey | 04/25/2017 03:25 PM EDT

The Trump administration has rescheduled a meeting of senior advisers to hash out internal divisions over the Paris climate change agreement for Thursday, two administration officials told POLITICO.

The meeting could help decide the fate of the United States' involvement in the accord, which won the support of nearly 200 nations in Paris in 2015. Trump's advisers hope to make a recommendation to the president about how he should proceed.

Several of Trump's close advisers and Cabinet secretaries, including Jared Kushner and Secretary of State Rex Tillerson, are said to support staying in the deal. But chief strategist Steve Bannon and EPA Administrator Scott Pruitt strongly oppose the pact and have been privately making the case that the U.S. should withdraw.

While the list of attendees is unclear, Tillerson, Bannon, Kushner, National Economic Council Director Gary Cohn, national security adviser H.R. McMaster and Energy Secretary Rick Perry are expected to be at the meeting.

The meeting had been [scheduled](#) to take place last week, but it was postponed because several Trump advisers traveled with the president to Wisconsin.

Trump's advisers and energy industry officials have been engaged in a months-long behind-the-scenes effort to sway the president. Aides who support staying in the deal have argued Trump could still achieve his policy goals, with less international blowback, by weakening Obama's pollution-reduction targets while trying to negotiate greater global support for fossil fuels. They've won the support of several energy companies, including a few major coal producers.

Meanwhile, Republicans in Congress and hard-line conservatives have argued that the president must withdraw altogether, noting that Trump promised during the campaign to cancel the agreement.

Trump is expected to make a final decision by late May, when he'll travel to Italy to participate in a G-7 meeting.

A White House spokeswoman did not immediately respond to a request for comment.

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Mining group to support pulling out of Paris after meeting with Pruitt [Back](#)

By Andrew Restuccia | 04/25/2017 04:07 PM EDT

A coal mining industry group's board of directors voted on Tuesday to press President Donald Trump to withdraw from the Paris climate change agreement — just one day after EPA Administrator Scott Pruitt met with the group's leadership to discuss the accord, two sources told POLITICO.

Pruitt personally attended a meeting of the National Mining Association's executive committee on Monday to lay out his concerns with the Paris accord.

A National Mining Association spokesman strongly denied that Pruitt urged the group to publicly support pulling out of the agreement, despite a source telling POLITICO that he did.

Trump has often aligned himself with coal miners, promising to revive the industry that has suffered sharp job losses over the past decade as the U.S. appetite for the energy source has waned. Just last month, Trump went to the EPA's headquarters with a group of coal miners to sign an executive order rolling back President Barack Obama's regulation curbing carbon emissions from power plants.

Pruitt has emerged in recent weeks as one of the administration's leading critics of the 2015 Paris deal, calling it a "bad deal for America" in a recent interview. An EPA spokesman confirmed Pruitt attended the NMA meeting, saying that he "discussed the problems with the Paris agreement."

The NMA board's decision is the latest evidence of the split within the coal industry over the Paris deal. Several major coal companies have signaled their openness to the U.S. remaining in the Paris agreement if the White House can negotiate more global support for technology that would reduce the carbon footprint of coal.

But other coal companies, including Murray Energy, which is led by Trump supporter Robert Murray, are vociferously opposed to the accord, which has won the backing of nearly 200 nations.

The NMA vote was 26-5, with some members abstaining, according to one source.

The NMA board's decision to weigh in raises the stakes in the behind-the-scenes standoff within the White House over the international climate accord. Several White House aides, including senior adviser Jared Kushner, are said to be in favor of remaining in the agreement, while chief strategist Steve Bannon supports withdrawing.

White House aides who want to remain in the pact have sought to build support among energy companies in recent weeks. But several Republicans and industry groups have launched a counter-offensive to increase momentum for exiting the agreement. Sen. John Barrasso distributed a document arguing for leaving the Paris agreement at a Tuesday policy lunch with Senate Republicans.

Trump's top advisers are set to meet on Thursday in hopes of making a formal recommendation to President Donald Trump. Trump is expected to decide whether to stick with the accord before the G-7 summit at the end of May.

NMA is still writing its statement urging a Paris withdrawal and it's unclear when it will be sent to the White House, one source said.

This story has been updated to add a statement from the National Mining Association.

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Cramer floats conditions to stay in Paris deal [Back](#)

By Andrew Restuccia | 03/23/2017 04:30 PM EDT

Republican Rep. [Kevin Cramer](#) is circulating a letter that lays out conditions for the United States to stay in the Paris climate change agreement.

The previously unpublished letter to President Donald Trump, which was obtained by POLITICO, urges Trump to abandon former President Barack Obama's pledge to cut U.S. emissions 26-28 percent below 2005 levels by 2025, arguing the target "would cause irreparable harm to our economy."

Trump's new pledge should showcase "the energy security, consumer, and emission benefits produced by the shale revolution and emphasize the importance of baseload power generation, including highly efficient and low emission coal-fired and nuclear power plants, to grid reliability," Cramer writes.

In addition, Cramer says the U.S. must no longer contribute to the Green Climate Fund, and "use its seat at the Paris table to defend and promote our commercial interests, including our manufacturing and fossil fuel sectors." The U.S. should work with other countries to help commercialize and deploy technologies to reduce emissions from fossil fuels, the letter says.

While it's unclear whether Trump will ultimately stay in the Paris agreement, Cramer's letter echoes the general approach being advocated by some of Trump's aides. But opponents of the agreement in the White House, including chief strategist Steve Bannon, could scuttle any effort to remain in the deal.

Cramer's staff is still in the process of getting signatures on the letter and the text could change before it's officially made public. A Cramer spokesperson did not immediately respond to a request for comment.

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Perry voices support for nuclear power, touts budget skills [Back](#)

By Darius Dixon | 04/25/2017 03:59 PM EDT

Keeping nuclear power on the electric grid serves a national security interest — and can justify moves by the federal government that override state authority, Energy Secretary Rick Perry said today.

"I was a very strong proponent of the 10th Amendment — thank you very much, we know how to run Texas," the former governor said at the Bloomberg New Energy Finance Summit in New York City, referring to the amendment that lays out federal authority limits. "Shoe is on the other foot — or the boot is on the other foot — now."

Maintaining around-the-clock baseload electricity is necessary for national security, said Perry, who has directed his staff to review federal policies that may be "forcing the premature retirement of baseload power plants."

"It is of our national security to have policies into place dealing with our nuclear energy that may have an effect on our ability to protect this country from a military standpoint," Perry said.

After going decades between building new nuclear power, he said, "the intellectual capability, the manufacturing capability, has been ... substantially impacted in a negative way."

Perry also said he'd able to manage DOE cuts proposed in last month's "skinny" budget.

"Thirty billion dollars, and 16,000 employees with 100,000 contractors may cause some people to break out in a cold sweat. It does not do that to me," he said, noting prioritizes for cybersecurity and supercomputing.

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FWS contender advocated for delisting and hunting grizzlies, wolves [Back](#)

By Esther Whieldon and Ben Lefebvre | 04/05/2017 06:48 PM EDT

A top contender to head the Interior's Fish and Wildlife Service advocated for the agency to remove the grey wolf and grizzly bear from the endangered species list and for using hunting to control wildlife populations.

Wyoming Game and Fish Department Director Scott Talbott is believed to be in the running to be nominated as director of the Interior's Fish and Wildlife Service and has garnered backing from Secretary Ryan Zinke, according to sources familiar with the situation.

If appointed FWS director, Talbott would oversee implementation of federal wildlife laws, including the Endangered Species Act, for the major infrastructure and land management projects across Interior's various agencies.

It's not yet clear if Talbott has the support of the White House. Spokeswoman Kelly Love in an email said "We have no personnel announcements to make at this time."

The White House has yet to nominate candidates for any of the top political positions at Interior or its nine bureaus. Zinke, who is himself an avid hunter and fisherman, voiced frustration this week about the slow pace of the vetting and final appointment decisions.

Talbott, a long-time employee of the Wyoming agency and its director since 2011, has argued that states are better suited than the federal government to manage wildlife conservation issues, particularly after a species has returned from the brink of extinction.

"The state clearly has the expertise to move forward with wolf management and grizzly bear management," Talbot said in a 2011 radio show.

"It is a shame that given the incredible accomplishments associated with grizzly bear recovery there has been such uproar over the consideration of a statement to support the use of regulated hunting as a possible management approach for grizzly populations that are recovered and delisted," Talbott said in a Montana newspaper editorial he co-authored in 2012.

Last year, FWS proposed delisting the grizzly bear in the Greater Yellowstone ecosystem given that its population had rebounded from about 136 bears in 1975 to about 700 bears. And the U.S. Court of Appeals for the District of Columbia Circuit in March upheld the agency's 2012 decision to take the grey wolf in Wyoming off the ESA list.

If President Donald Trump does nominate Talbott to lead FWS, it would likely raise the hackles of environmental groups like Defenders of Wildlife that have sued to maintain those ESA listings.

Talbott is not the only potential Interior nominee with a history involving endangered species issues. David Bernhardt, who was a member of Trump's Interior Department transition team and worked at Interior during the George W. Bush Administration, is reportedly high on the list of candidates for the Interior's deputy secretary position.

Bernhardt chairs the natural resources department at the lobby firm Brownstein Hyatt Farber Schreck, where he has represented a variety of energy and infrastructure industries including fossil fuel, wind and water interests, with an emphasis on Endangered Species Act issues.

As deputy secretary, Bernhardt would not only be responsible for managing day-to-day operations across those nine unique bureaus, but also could play a key role in implementing Zinke's initiatives on energy and other issues.

In his prior role as Interior solicitor, Bernhardt in a 2007 memo concluded that if a species is imperiled in a significant portion, but not all, of its range, it should be listed only in that portion. The Obama administration withdrew the opinion three years later and wrote its own version. But the U.S. District Court for the District of Arizona less than a week ago rejected the Obama administration's re-interpretation, leaving the Interior without a policy on the topic.

Talbott did not respond to a request for comment and Bernhardt declined to comment.

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Murphy's energy policy includes major commitment to offshore wind [Back](#)

By David Giambusso | 04/25/2017 05:26 PM EDT

Phil Murphy, the front-runner for the Democratic gubernatorial nomination, has laid out the beginnings of an energy policy that calls for a significant investment in offshore wind, as energy companies increasingly eye the New Jersey coast to develop the burgeoning industry.

Murphy has already locked up the support of the state's biggest environmental groups, and the contours of his energy policy will be laid out in an upcoming campaign announcement, which was previewed by POLITICO.

Murphy said he will begin to tackle the state's energy master plan, the guiding blueprint for New Jersey's energy policy, within his first 100 days as governor. Perhaps the most ambitious element will be a commitment to build 3,500 megawatts of offshore wind generation by 2030, or enough to power roughly 1.5 million homes.

"I am prepared to be a governor of action, who turns our state's thinking around, and who sets us on a future course to both do well and do good, and to prove that economic growth and environmental protection are not mutually exclusive," Murphy said in a statement.

Two prominent companies, U.S. Wind and DONG Energy, a Danish company, won leases to develop two wide swaths off the coast of New Jersey for wind generation. As the Trump administration pursues significant rollbacks of federal funding for clean energy, companies are looking to state policymakers for signs of investment in wind and solar.

"Those are welcome words to an industry eager to set into motion the plans needed to kick-start offshore wind projects along the east coast," said Lauren Burm, a spokeswoman for DONG Energy.

Murphy also plans to expand solar, specifically by establishing a community solar program, which would allow low-income, often urban residents, to join together as a purchasing bloc to gain more competitive prices and deploy solar energy in areas that are typically cumbersome to rooftop solar panels.

He also wants to prioritize storage, or the use of large-scale batteries that store renewable power for times of peak demand. The campaign set a goal of deploying 600 megawatts of storage by the end of his first term, and 2,000 megawatts by 2030. The overarching goal is for the state to be powered with 100 percent clean energy by 2050.

The former U.S. Ambassador to Germany and Goldman Sachs executive has previously said he would immediately rejoin the Regional Greenhouse Gas Initiative, a regional cap and trade program Gov. Chris Christie, a Republican, pulled out of when he took office, saying it represented too much of a burden to ratepayers.

Christie's energy policy has focused almost exclusively on keeping costs low. That has meant an expansion of natural gas infrastructure and limits on investment in solar and wind. While solar is still strong in New Jersey, the state has dropped in national rankings for solar installation and energy efficiency.

Murphy's approach seeks to restore New Jersey's prominence as a clean energy leader. He said his programs are also designed to generate economic growth.

"We can base a new and stronger middle class on innovation and clean energy, and ensure all communities take part," he said.

The campaign calculates the state lost \$130 million in carbon auction revenues as a result of leaving RGGI which could have gone to research and investment in clean energy, efficiency and resiliency. Those investments could have generated 1,300 jobs and more than \$200 million in economic output, the Murphy campaign said.

Murphy also plans to restore the Office of Climate Change within the Department of Environmental Protection, which Christie shuttered when he took office.

Murphy is not the only Democratic candidate with an aggressive clean energy agenda. Sen. Ray Lesniak, Assemblyman John Wisniewski, and Jim Johnson have all stressed the need to promote clean energy and efficiency in a state that was battered by Hurricane Sandy and stands to suffer some of the worst effects of climate change in decades to come.

"We must listen to the scientific experts who know best how we should respond to the reality of a changing climate," Murphy said. "I will restore basic respect for climate science."

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NRDC's Goldston departs for MIT job [Back](#)

By Alex Guillén | 04/25/2017 02:49 PM EDT

David Goldston will leave the Natural Resources Defense Council next month after eight years as the environmental group's director of government affairs to become director of the Massachusetts Institute of Technology's Washington office, the school [announced](#) today.

Before joining the NRDC in 2009, Goldston was director of the Bipartisan Policy Center's Science and Policy Project. He previously served six years as chief of staff for the House Science Committee under Sherwood Boehlert (R-N.Y.).

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POLITICOPRO

**This email was sent to jackson.ryan@epa.gov by: POLITICO, LLC 1000 Wilson Blvd.
Arlington, VA, 22209, USA**

Message

From: Jackson, Ryan [jackson.ryan@epa.gov]
Sent: 4/24/2017 11:46:24 AM
To: Greenwalt, Sarah [greenwalt.sarah@epa.gov]
Subject: Re:

I know but OP has to do all the housekeeping law issues like small business review, economic analysis, and all that. They should get started on that if they've not yet.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6 - Personal Privacy

> On Apr 24, 2017, at 7:41 AM, Greenwalt, Sarah <greenwalt.sarah@epa.gov> wrote:
>
> With respect to wotus, the current draft reflects significant input from the other agencies as well as OW and OP.
>
> Sent from my iPhone
>
>> On Apr 24, 2017, at 6:06 AM, Schwab, Justin <schwab.justin@epa.gov> wrote:
>>
>> Sarah can speak to the WOTUS more but on CPP the program office has seen the draft and their leadership has made preliminary edits to it. Mandy and I will make sure today that the air office and policy office are working together to do their pieces
>>
>> Sent from my iPhone
>>
>>> On Apr 24, 2017, at 5:18 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:
>>>
>>> So regardless of the draft nature of the CPP and WOTUS withdrawals, will you share the drafts with office of policy so they can add their components to the draft rules we will send to Omb?
>>>
>>> At what point do you think we share with the program offices? I know OW has contributed more than OAR likely, correct?
>>>
>>> Ryan Jackson
>>> Chief of Staff
>>> U.S. EPA
>>> Ex. 6 - Personal Privacy

Message

From: Jackson, Ryan [jackson.ryan@epa.gov]
Sent: 4/21/2017 4:20:57 PM
To: Holland, Luke (Inhofe) [Luke_Holland@inhofe.senate.gov]
Subject: Re: Wall Street Journal: Highway From the Endangerment Zone, 4/19/17

All I do is win.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6 - Personal Privacy

On Apr 21, 2017, at 11:54 AM, Holland, Luke (Inhofe) <Luke_Holland@inhofe.senate.gov> wrote:

This is great.

From: Jackson, Ryan [mailto:jackson.ryan@epa.gov]
Sent: Wednesday, April 19, 2017 10:18 AM
To: Holland, Luke (Inhofe) <Luke_Holland@inhofe.senate.gov>
Subject: Fwd: Wall Street Journal: Highway From the Endangerment Zone, 4/19/17

Wall Street Journal

<https://www.wsj.com/articles/highway-from-the-endangerment-zone-1492555808>

Highway From the Endangerment Zone

4/18/17 6:50 PM

Scott Pruitt has emerged as a leading voice in the Trump Administration for U.S. withdrawal from the Paris global climate deal, so it's ironic that the Environmental Protection Agency chief is being assailed from the right for being soft on carbon. Too many conservatives these days are searching for betrayals where none exist.

As Attorney General of Oklahoma, Mr. Pruitt successfully sued to stop the enforcement of President Obama's regulations known as the Clean Power Plan, or CPP, and he's preparing to dismantle them for good as EPA administrator. The rap from the right is that he won't challenge the underlying determination for regulating CO₂ emissions known as an endangerment finding. In 2009 the EPA concluded in this finding that carbon dioxide and other greenhouse gases pose a threat to public health and the environment, and this document serves as the nominal legal basis for the CPP and other anticarbon rules.

Mr. Pruitt's critics claim that withdrawing from the CPP without reversing endangerment will strengthen his opponents in the inevitable green lawsuits that are coming. Endangerment findings create a legal obligation for the EPA to regulate the relevant pollutants, even if carbon is far different from traditional hazards like SO_x and NO_x.

The endangerment finding was deeply misguided and flawed in its execution, and nobody fought it more than we did. But there's a practical reason that Mr. Pruitt is right

about the risks of trying to revoke it now. The finding has been upheld by the courts, and creating a legally bulletproof non-endangerment rule would consume a tremendous amount of EPA resources, especially at an agency with few political appointees and a career staff hostile to reform.

Technical determinations about the state of the science are supposed to be entitled to judicial deference, but the reality is that the D.C. Circuit Court of Appeals that would hear the case is packed with progressive judges. Climate change has become a theological conviction on the left, so Mr. Pruitt would almost certainly lose either with a three-judge panel or en banc.

The Supreme Court's appetite for such a case is also minimal, since it would run directly at the 2007 ruling in *Massachusetts v. EPA* that prepared the way for the endangerment finding. Justice Anthony Kennedy was in that 5-4 majority.

Mr. Pruitt is already taking on difficult and controversial challenges, so better for the Administration to use scarce political capital where it will make a difference instead of burning it on a doomed mission. The endangerment finding doesn't dictate any specific regulation, and Mr. Pruitt has the discretion to interpret the Clean Air Act to achieve his favored policy outcomes, including to repeal legally tenuous central planning like CPP.

A future Democratic President could use the endangerment finding to revive something like CPP, but then that same Administration could restore endangerment too. Mr. Pruitt is a natural target for the left, but when conservatives are impugning one of the leaders of President Trump's economic deregulation project as a sellout, maybe the problem is the critics, not Mr. Pruitt.

Kevin McGonagle
Office of Media Relations Intern
U.S. Environmental Protection Agency
Telephone: (202)-564-4524
mcgonagle.kevin@epa.gov

Message

From: Jackson, Ryan [jackson.ryan@epa.gov]
Sent: 4/19/2017 8:06:29 PM
To: Schwab, Justin [schwab.justin@epa.gov]

How are we coming with the CPP draft?

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6 - Personal Privacy

Message

From: Jackson, Ryan [jackson.ryan@epa.gov]
Sent: 4/12/2017 7:03:50 PM
To: luke_holland@inhofe.senate.gov
Subject: Fwd: New York Times: Scott Pruitt Faces Anger From Right Over E.P.A. Finding He Won't Fight, 4/12/17

I need to circle back with you on this.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6 - Personal Privacy

Begin forwarded message:

From: "McGonagle, Kevin" <mcgonagle.kevin@epa.gov>
Date: April 12, 2017 at 2:28:18 PM EDT
To: "Jefferson, Gayle" <Jefferson.Gayle@epa.gov>, "McCabe, Catherine" <McCabe.Catherine@epa.gov>, "Reeder, John" <Reeder.John@epa.gov>, "Flynn, Mike" <Flynn.Mike@epa.gov>, "Grantham, Nancy" <Grantham.Nancy@epa.gov>, "Hull, George" <Hull.George@epa.gov>, "Slotkin, Ron" <slotkin.ron@epa.gov>, "Sowell, Sarah" <Sowell.Sarah@epa.gov>, "Hart, Daniel" <Hart.Daniel@epa.gov>, "Orquina, Jessica" <Orquina.Jessica@epa.gov>, "Benton, Donald" <benton.donald@epa.gov>, "Bangerter, Layne" <bangerter.layne@epa.gov>, "Davis, Patrick" <davis.patrick@epa.gov>, "Ericksen, Doug" <ericksen.doug@epa.gov>, "Konkus, John" <konkus.john@epa.gov>, "Greaves, Holly" <greaves.holly@epa.gov>, "Kreutzer, David" <kreutzer.david@epa.gov>, "Munoz, Charles" <munoz.charles@epa.gov>, "Schwab, Justin" <schwab.justin@epa.gov>, "Sugiyama, George" <sugiyama.george@epa.gov>, "Jackson, Ryan" <jackson.ryan@epa.gov>, "Valentine, Julia" <Valentine.Julia@epa.gov>, "Wilcox, Jahan" <wilcox.jahan@epa.gov>, "Freire, JP" <Freire.JP@epa.gov>, "Bowman, Liz" <Bowman.Liz@epa.gov>, "Graham, Amy" <graham.amy@epa.gov>, "MacKinnon, Kathleen" <MacKinnon.Kathleen@epa.gov>, "Dibble, Christine" <Dibble.Christine@epa.gov>, "Younes, Lina" <Younes.Lina@epa.gov>, AO OPA Media Relations { Ex. 6 - Personal Privacy }
Subject: New York Times: Scott Pruitt Faces Anger From Right Over E.P.A. Finding He Won't Fight, 4/12/17

New York Times

<https://www.nytimes.com/2017/04/12/climate/scott-pruitt-epa-endangerment-finding.html>

Scott Pruitt Faces Anger From Right Over E.P.A. Finding He Won't Fight

By Coral Davenport 4/12/17

WASHINGTON — When President Trump chose the Oklahoma attorney general, Scott Pruitt, to lead the Environmental Protection Agency, his mission was clear: Carry out Mr. Trump's campaign vows to radically reduce the size and scope of the agency and take apart President Barack Obama's ambitious climate change policies.

In his first weeks on the job, Mr. Pruitt drew glowing praise from foes of Mr. Obama's agenda against global warming, as he moved to roll back its centerpiece, known as the Clean Power Plan, and expressed agreement with those who said the E.P.A. should be eliminated. His actions and statements have galvanized protests from environmentalists and others on the left.

But now a growing chorus of critics on the other end of the political spectrum say Mr. Pruitt has not gone far enough — in particular, they are angry that the E.P.A. chief has refused to challenge a landmark agency determination known as the “endangerment finding” that provides the legal basis for Mr. Obama’s Clean Power Plan and other global warming policies.

These critics say that Mr. Pruitt is hacking only at the branches of current climate policy. They want him to pull it out by the roots.

“The endangerment finding must be redone or all of this is for naught,” said Steven J. Milloy, who runs a website, JunkScience.com, aimed at debunking the established science of human-caused climate change, and who worked on the Trump administration’s E.P.A. transition team.

“If you get rid of the endangerment finding, the rest of the climate regulations just sweep themselves away. But if they don’t get rid of it, the environmentalists can sue, and then there’s going to have to be a Trump Clean Power Plan,” said Mr. Milloy, who is also a former policy director for Murray Energy, a major coal company whose chief executive, Robert E. Murray, was a backer of Mr. Trump’s campaign and his push to undo climate change policy.

The 2009 legal finding is at the heart of a debate within the Trump administration over how to permanently reverse Mr. Obama’s climate change rules. The finding concludes that carbon dioxide emissions endanger public health and welfare by warming the planet, which led to a legal requirement that the E.P.A. regulate smokestacks and tailpipes that spew planet-warming pollution.

Thus, climate policy experts on both sides of the debate say, even if Mr. Pruitt succeeds in the legally challenging process of withdrawing the Clean Power Plan, the endangerment finding will still put him under the legal obligation to put together a replacement regulation.

Mr. Pruitt has told the White House and Congress that he will not try to reverse the finding, saying that such a move would almost certainly be overturned by the courts.

Last month, as Mr. Trump prepared to release an executive order directing Mr. Pruitt to dismantle the Clean Power Plan, along with nearly every other major element of Mr. Obama’s climate change legacy, Mr. Pruitt argued against including a repeal of the endangerment finding in the order, according to people familiar with the matter.

Legal experts outside the Trump White House say that while Mr. Pruitt may face political fire on his right flank for the move, it is nonetheless pragmatic legally, since the finding has already been challenged and upheld by federal courts.

But Mr. Pruitt is now being pilloried by conservative allies of the White House. Writing in Breitbart News, the conservative website formerly run by Mr. Trump’s senior strategist, Stephen K. Bannon, James Delingpole, a writer who is close to Mr. Bannon, said that if Mr. Pruitt refused to undo the endangerment finding, “it will represent a major setback for President Trump’s war with the Climate Industrial Complex.”

“If Scott Pruitt is not up to that task, then maybe it’s about time he did the decent thing and handed over the reins to someone who is,” he added.

Legal experts say they can see why opponents of climate change policy want to go after the endangerment finding — as long as it remains in place, any efforts to undo climate regulations can always be reversed.

“As a matter of theory, they’re absolutely right,” said Richard J. Lazarus, a professor of environmental law at Harvard. “If you want to get rid of the climate stuff, you get rid of the root, not just the branches. They want him to uproot the whole thing.”

But, Mr. Lazarus added, “As a matter of legal strategy, it makes little sense because the endangerment finding is very strong.”

The original recommendation to make an endangerment finding on carbon dioxide emissions was made by Stephen L. Johnson, a career scientist who headed the E.P.A. under the administration of George W. Bush, although the Bush White House did not act on Mr. Johnson’s memo. After the Obama administration did so, the finding was legally challenged but upheld in a federal court. The Supreme Court declined to hear an appeal.

Mr. Lazarus said that Mr. Pruitt would have his hands full with the legal challenges of undoing the regulations themselves. Taking on the endangerment finding would probably be futile, he said.

“He doesn’t want to spend a lot of time with something that’s a sure loser,” Mr. Lazarus said. “It wrecks your credibility with the courts.”

Mr. Pruitt has a long history of championing legal efforts to undermine major environmental rules. As Oklahoma’s attorney general, he sued the E.P.A. 14 times in efforts to undo regulations. He believes in stripping power away from the federal government and returning it to states.

But during his Senate confirmation hearing, he told senators that despite that, he was likely to draw the line at trying to overturn the endangerment finding.

“It is there, and it needs to be enforced and respected,” Mr. Pruitt said. “There is nothing that I know that would cause it to be reviewed.”

Kevin McGonagle
Office of Media Relations Intern
U.S. Environmental Protection Agency
Telephone: (202)-564-4524
mcgonagle.kevin@epa.gov

Message

From: Jackson, Ryan [jackson.ryan@epa.gov]
Sent: 4/9/2017 1:56:42 AM
To: Freedhoff, Michal (EPW) [Michal_Freedhoff@epw.senate.gov]
Subject: Re: letter to the Administrator

Can you predict the news?

Ryan Jackson
Chief of Staff
U.S. EPA

Personal Phone/Ex. 6

On Apr 7, 2017, at 7:19 PM, Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov> wrote:

Just sent to you.

Sent from my iPhone

On Apr 7, 2017, at 8:17 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

The news?

Ryan Jackson
Chief of Staff
U.S. EPA

Personal Phone/Ex. 6

On Apr 7, 2017, at 6:38 PM, Freedhoff, Michal (EPW)
<Michal_Freedhoff@epw.senate.gov> wrote:

Judging from the news it may be that ozone will soon follow.

Sent from my iPhone

On Apr 7, 2017, at 7:36 PM, Jackson, Ryan <jackson.ryan@epa.gov>
wrote:

I see.

Ryan Jackson
Chief of Staff
U.S. EPA

Personal Phone/Ex. 6

On Apr 7, 2017, at 6:34 PM, Freedhoff, Michal (EPW)
<Michal_Freedhoff@epw.senate.gov> wrote:

Yes - this one is clean power plan and
how he plans to comply with his EA. The
last one was WOTUS.

Sent from my iPhone

On Apr 7, 2017, at 7:20 PM, Jackson,
Ryan <jackson.ryan@epa.gov> wrote:

Is this a new recusal
related one?

Ryan Jackson
Chief of Staff
U.S. EPA

Personal Phone/Ex. 6

On Apr 7, 2017, at 1:33
PM, Freedhoff, Michal
(EPW)
<Michal_Freedhoff@epw.senate.gov> wrote:

Hey
Ryan

Just
making
sure
you see
this –

Michal

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Message

From: Jackson, Ryan [jackson.ryan@epa.gov]
Sent: 4/8/2017 12:17:44 AM
To: Freedhoff, Michal (EPW) [Michal_Freedhoff@epw.senate.gov]
Subject: Re: letter to the Administrator

The news?

Ryan Jackson
Chief of Staff

U.S. EPA

Ex. 6 - Personal Privacy

On Apr 7, 2017, at 6:38 PM, Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov> wrote:

Judging from the news it may be that ozone will soon follow.

Sent from my iPhone

On Apr 7, 2017, at 7:36 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

I see.

Ryan Jackson
Chief of Staff

U.S. EPA

Ex. 6 - Personal Privacy

On Apr 7, 2017, at 6:34 PM, Freedhoff, Michal (EPW)
<Michal_Freedhoff@epw.senate.gov> wrote:

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Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6 - Personal Privacy

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<Michal_Freedhoff@epw.senate.gov> wrote:

Hey Ryan

Just making sure you see this –

Michal

Michal Ilana Freedhoff, Ph.D.
Director of Oversight
Committee on Environment and Public
Works Democratic Staff

<04.07.17 CPP Ethics Pruitt.pdf>

Message

From: Jackson, Ryan [jackson.ryan@epa.gov]
Sent: 4/7/2017 11:36:43 PM
To: Freedhoff, Michal (EPW) [Michal_Freedhoff@epw.senate.gov]
Subject: Re: letter to the Administrator

I see.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6 - Personal Privacy

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Sent from my iPhone

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Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6 - Personal Privacy

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Michal

Michal Ilana Freedhoff, Ph.D.
Director of Oversight
Committee on Environment and Public Works Democratic Staff

<04.07.17 CPP Ethics Pruitt.pdf>

Message

From: Jackson, Ryan [jackson.ryan@epa.gov]
Sent: 4/7/2017 11:20:02 PM
To: Freedhoff, Michal (EPW) [Michal_Freedhoff@epw.senate.gov]
Subject: Re: letter to the Administrator

Is this a new recusal related one?

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6 - Personal Privacy

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Just making sure you see this –

Michal

Michal Ilana Freedhoff, Ph.D.
Director of Oversight
Committee on Environment and Public Works Democratic Staff

<04.07.17 CPP Ethics Pruitt.pdf>

Message

From: Jackson, Ryan [jackson.ryan@epa.gov]
Sent: 3/28/2017 11:41:18 AM
To: Dravis, Samantha [dravis.samantha@epa.gov]
Subject: Re: this morning

Has he ever used it?

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6

On Mar 28, 2017, at 7:40 AM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

Haha. After he said I'm never using that studio again

Sent from my iPhone

On Mar 28, 2017, at 7:10 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

That would be fine but I think he's doing it from the EPA studio.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6

On Mar 28, 2017, at 6:53 AM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

Is he going to NYC? I'll train up there with him tonight if he's inclined and needs an extra hand? I assume JP is headed up too

Sent from my iPhone

On Mar 28, 2017, at 2:19 AM, Freire, JP <Freire.JP@epa.gov> wrote:

For the group's info: Hannity is happening Tues pm now. Also getting him some regional radio.

From: Jackson, Ryan
Sent: Monday, March 27, 2017 9:12 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Freire, JP <Freire.JP@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Wagner, Kenneth <wagner.kenneth@epa.gov>
Subject: this morning

Just to follow up on our morning meeting, I appreciate the opportunity to better organize.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency

Ex. 6

Message

From: Jackson, Ryan [jackson.ryan@epa.gov]
Sent: 3/28/2017 11:10:30 AM
To: Freire, JP [Freire.JP@epa.gov]
Subject: Re: this morning

Please be sure to get to syd and millan.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6

On Mar 28, 2017, at 2:19 AM, Freire, JP <Freire.JP@epa.gov> wrote:

For the group's info: Hannity is happening Tues pm now. Also getting him some regional radio.

From: Jackson, Ryan
Sent: Monday, March 27, 2017 9:12 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Freire, JP <Freire.JP@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Wagner, Kenneth <wagner.kenneth@epa.gov>
Subject: this morning

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Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency

Ex. 6

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 3/28/2017 1:13:49 AM
To: Bennett, Tate [Bennett.Tate@epa.gov]
Subject: RE: Hey!

I look care of it. Jason called. Thanks.

From: Bennett, Tate
Sent: Monday, March 27, 2017 8:16 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Fwd: Hey!

Sent from my iPhone

Begin forwarded message:

From: "Marino Thacker, Meghan (Daines)" <Meghan_Thacker@daines.senate.gov>
Date: March 27, 2017 at 8:15:03 PM EDT
To: "Bennett, Tate" <Bennett.Tate@epa.gov>
Subject: Re: Hey!

Senator Daines would LOVE to be at White House and/or with administrator Pruitt when clean power plan stuff is being signed. Our chief reached out to White House. As mentioned, it hits Montana hard--7,000 jobs, largest emissions cut nationwide, energy exporter to energy importer, 2nd largest coal plant west of Mississippi, would be biggest economic disaster in 30 years.

Not sure what the plans/opportunities are but my boss would love to be there for it all if possible.

Thanks,
Meghan

P.s. My chief likely reached out to Ryan about this as well.

Sent from my iPhone

On Mar 27, 2017, at 8:07 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

What's your other question? Sorry I missed you!

Sent from my iPhone

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 3/27/2017 11:13:31 PM
To: Thielman, Jason (Daines) [Jason_Thielman@daines.senate.gov]
Subject: RE: CPP signing

Ex. 5 - Deliberative Process

-----Original Message-----

From: Thielman, Jason (Daines) [mailto:Jason_Thielman@daines.senate.gov]
Sent: Monday, March 27, 2017 6:26 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: CPP signing

Ryan

Senator Daines would love nothing more than to participate in the CPP EO signing and of course your bosses follow on later in the week. Appreciate whatever you can do.

Regards,

Jason Thielman

Sent from my iPhone